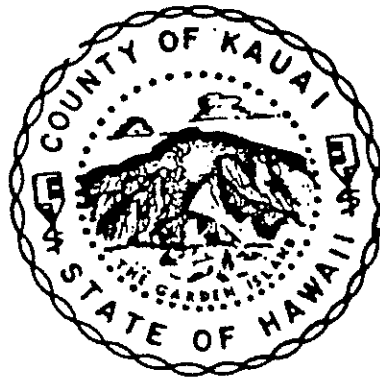


CHARTER AMENDMENTS AND PROCEEDINGS OF THE
1984 CHARTER REVIEW COMMISSION



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PREFACE

The 1984 Charter Review Commission submits this attached record of its proceedings. At this time it is unknown as to how many of the fifteen proposals submitted by this Commission will be accepted by the electorate. However, the Commission feels it has fulfilled its duty fully and in timely manner as detailed by the record. Indeed one of the very few comments received from the public was that no more than five amendments should be proposed at one time.

The Commission hopes that subsequent review commissions may benefit by the deliberations and conceivably, wisdom, reflected in this record.

CHARTER AMENDMENTS AND PROCEEDINGS OF THE
1984 CHARTER REVIEW COMMISSION

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KAUAI COUNTY
1984 PROPOSED CHARTER AMENDMENTS

ALL PROVISIONS THAT ARE TO BE REMOVED FROM THE LAWS ARE SURROUNDED BY BRACKETS. ALL NEW PROVISIONS THAT ARE TO BE ADDED TO THE LAWS, IF APPROVED BY THE VOTERS, ARE UNDERSCORED.

NEW SECTION

ARTICLE XVIII

CIVIL DEFENSE AGENCY

Section 18.02. Mayor to Declare State of Emergency.

The power to declare a state of disaster or emergency is conferred on the mayor. The mayor may declare an emergency when the peace, life, property, health or safety of the community are endangered, but his failure or refusal to make such a declaration shall not preclude the county council from finding that an emergency exists providing that the county council adopt an emergency ordinance in accordance with the charter.

Hurricane Iwa showed that a disaster may be concentrated in one county only. It is important that the mayor may declare a disaster without waiting for the State Director of Civil Defense, the Adjutant General.

The declaration empowers the mayor to expend county funds and direct county manpower. It will also empower the mayor to enforce any emergency power granted under the current Chapter 128, HRS, relating to control of ingress and egress from disaster areas and to use private property.

NEW SECTION

ARTICLE XVIII

CIVIL DEFENSE AGENCY

Section 18.03. Civil Defense Contingency Fund. The council shall provide in the annual budget a civil defense contingency fund of not less than \$50,000.00 to be expended by the mayor for public purposes during any state of emergency or disaster (declared in accordance with Article XVIII of this charter.) A report containing a complete accounting of all such expenditures shall be made as soon as practicable to the council.

The county charter states that an appropriation is necessary to permit expenditure of county funds. The intent is not to supersede the county council, but to have the council provide at least a \$50,000 appropriation before the disaster strikes. In the recent Hurricane Iwa, immediate road clearing activities and property security work exceeded \$50,000 by a wide margin.

ARTICLE III
COUNTY COUNCIL

Section 3.07. Organization of Council; Officers; Rules; Employees. The council shall meet in the council room at the county building or in the Kauai War Memorial Convention Hall for its organization promptly after its inauguration and swearing-in ceremony at which time it shall elect one of its members as chairman and presiding officer of the council. Until such time as the chairman is elected, the mayor shall preside at the council meetings, provided that the mayor shall not have a vote. The council shall also elect one of its members as vice-chairman who shall act as the presiding officer in the event of the chairman's absence. The council shall appoint a presiding officer pro tempore from its members in the event of the absence of both the chairman and vice-chairman. A majority of the entire membership of the council shall constitute a quorum and, except as otherwise provided, the affirmative vote of a majority of the entire membership shall be necessary to take any action.

The current charter provision mandates the holding of all its meetings in the council chambers. When the council is unable to conclude its organization meeting expeditiously,

it has to recess the meeting for the inauguration ceremony held at the Convention Hall. After the ceremony, the meeting is resumed in the council chambers.

The amendment is intended to permit the first meeting of the council to be held either in the council chambers or the Convention Hall. The entire meeting or parts of the meeting may be held at either location.

A proposal to permit the council to have the discretion to choose any location was disapproved. The Commission was of the opinion that there is currently no other suitable site for both a meeting and a ceremony. It is also desirable to have the site determined without waiting for an organizational meeting to be held selecting the site.

ARTICLE IXA

PROSECUTING ATTORNEY

Section 9A.01. Election and Term of Office. The electors of the county shall elect a prosecuting attorney, whose term of office shall be four years beginning at twelve o'clock meridian on the [second day of January] first working day in December following his election.

(See also Article III, Section 3.03 and Article VII, Section 7.01)

The terms of all elective officials now begin on January 2 following the general election. The January date permits a "lame duck" period of nearly two full months. The lame duck group may at times involve a majority of the council. The possibilities are that the "lame duck" councilmembers may try to do too much, or too little. The Commission felt it best to put the new council to work earlier. Furthermore, January 2 is too festive a period to begin work in earnest.

Prosecuting Attorney
Page 2

The result of the change will reduce by one month the retirement credit of officials elected in the 1984 election.

If the first working day in December is not December 1st the incumbent officials will serve till the first working day and the pay adjusted pro-rata.

NEW SECTION

ARTICLE XIX

FINANCIAL PROCEDURES

Section 19. . Past due accounts. The finance director shall promptly collect all past due accounts. Unless otherwise provided by law any account more than ninety (90) days past due shall be referred to the county attorney's office for collectic

This provision imposes upon the finance director a mandate to refer all accounts owing the County of Kauai, and more than 90 days delinquent, to the county attorney's office for collection. While the finance director may currently take this action without the amendment, the Commission felt it desirable to make the provision a mandate upon the finance director.

The purpose is to avoid losses of substantial claims resulting from the delay in collecting the claims. While a debtor may be willing to pay its debt to the county in installments, and may be making efforts to live up to its agreement, the Internal Revenue Service or other creditors

may want to have its claim paid first leaving the county with an uncollectible claim when it becomes subject to the prior claims of the Internal Revenue Service and the bankruptcy court.

This provision is intended to reduce losses resulting from inactivity against debtors of the county. The provision states that this procedure is to be followed unless otherwise provided by law.

The intent of this provision is that where statutes or ordinances specify collection procedures those provisions shall be followed. For an example, delinquent real property taxes will be collected as provided by the real property tax ordinance.

NEW ARTICLE

ARTICLE _____

RECALL

Section .01. Recall Procedure. Any elective officer serving a four year term as provided for in this charter may be removed from office by the voters of the county. The procedure to effect such removal shall be in accordance with this article.

A petition demanding that the question of removing such official be submitted to the voters shall be filed with the county clerk. Such petitions shall be signed by currently registered voters numbering not less than twenty percent (20%) of the voters registered in the last general election.

Section .02. Petitions. Petition papers shall be procured only from the county clerk, who shall keep a sufficient number of such blank petition papers on file for distribution as herein provided. Prior to the issuance of such petition papers, an affidavit shall be made by one or more voters and filed with the clerk, stating the name and office of the officer sought to be removed.

Section .03. Signatures. Each signer of a recall petition shall print and sign their name and shall place thereon

Recall
Page 2

after the name, social security number, place of residence and voting precinct. To each such petition paper there shall be attached an affidavit of the circulator thereof, stating the number of signers to such part of the petition and that each signature appended to the paper was made in the circulator's presence and is believed to be the genuine signature of the person whose name it purports to be, and that each signer understood it to be a recall petition of a specific elected officer.

Section .04. Filing and Certification. All papers comprising a recall petition shall be assembled and filed with the county clerk as one instrument within thirty (30) days after the filing, with the clerk, of the affidavit stating the name and office of the officer sought to be removed. Within ten (10) days from the date of the filing of such petition, the clerk shall determine the sufficiency thereof and attach thereto a certificate showing the result of his examination. If the clerk shall certify that the petition is insufficient, he shall set forth in the certificate the particulars in which the petition is defective, and shall return a copy of the certificate to the person designated in such petition to receive it.

Section .05. Supplemental Petitions. In the event the initial petition contained insufficient signatures, such recall petition may be supported by supplemental signatures of voters signed in the manner required in section .03 of this article appended to petitions issued, signed, and filed as required for the original petition at any time within ten (10) days after the date of the certificate of insufficiency by the clerk. The clerk shall within five (5) days after such supplemental petitions are filed make a like examination of them, and if his certificate shall show the same to be still insufficient, he shall return it in the manner described in section .04 of this article to the person designated in such petition to receive the same, and no new petition for the recall of the officer sought to be removed shall be filed within one year thereafter.

Section .06. Recall Election. If a recall petition or supplemental petition shall be certified by the clerk sufficient, he shall promptly notify in writing the officer sought to be recalled of such action. If the official whose removal is sought does not resign within five (5) days after mailing of such notice, the clerk shall thereupon order and fix a day for holding a recall election. Any such election shall be

held not less than seventy-five (75) nor more than ninety (90) days after the petition has been presented to the official, at the same time as any other special county or state election held within such period, but if no such election is to be held within such period, the clerk shall call a special recall election to be held within the time aforesaid. If less than fifty percent (50%) of the total number of voters registered in the last general election shall vote at such recall election, the officer sought to be recalled shall not be deemed recalled regardless of the outcome of the election.

Section .07. Ballots. The ballots at such recall election shall, with respect to each person whose removal is sought, submit the question: "Shall (name of person) be removed from the office of (name of office) by recall?" Immediately following each such question, there shall be printed on the ballots the two propositions in the order set forth: "For the recall of (name of person)." "Against the recall of (name of person)." Immediately to the right of the proposition there shall be designated spaces in which to mark the ballot FOR or AGAINST the recall. A majority vote shall be sufficient to recall such officer, subject to the provisions of section .06 of this article.

Section .08. Succeeding Officer. The incumbent, if not recalled in such election, shall continue in office for the remainder of his unexpired term subject to the recall as before, except as provided in this charter.. If recalled in the recall election, he shall be deemed removed from office upon the clerk's certification of the results of that election, and the office shall be filled as provided by this charter for the filling of vacancies of elected officials. The successor of any person so removed shall hold office during the unexpired term of his predecessor.

Section .09. Immunity to Recall. The question of the removal of any officer shall not be submitted to the voters until such person has served six (6) months of the term during which he is sought to be recalled, nor, in case of an officer retained in a recall election, until one year after that election.

This proposal adds a new article to the county charter. It is related to the proposals for the four-year terms for mayor and councilmembers. The recall article permits the removal of elected officials when a petition for recall, signed by more than 20% of the voters registered in the last general election,

is presented to the county clerk. If less than 50% of the total number of voters registered in the last general election fail to vote at the recall election, the official sought to be recalled shall continue to serve regardless of the outcome of the recall election.

The intent of the Commission is to provide the voters with an opportunity to remove incompetent officials in mid-term instead of providing an election every two years. The recall provision will apply only to officials granted a four-year term.

ARTICLE VII

MAYOR

Section 7.01. Election and Term of Office. The electors of the county shall elect a mayor whose term of office shall be [two] four years beginning at twelve o'clock meridian on the [second day of January] first working day in December following his election. The mayor may serve for more than two terms of office but he shall not serve for more than two consecutive full terms of office.

The Commission is of the opinion that a two-year term does not provide sufficient time for a mayor to plan and implement a program for his administration. Currently, Kauai is the only county in the State that has a two-year term for its mayor. In a two-year term an incoming mayor works under a budget that was prepared before he took office, and he prepares a budget that extends six months beyond his two-year term. It is obvious that the mayor would be working under someone else's budget and essentially carrying out someone else's budget for almost a quarter of his term.

It is to be noted that generally it takes more than two years to plan a program and secure Federal or State funding where a grant is involved. The proposal limits the mayor to a two consecutive full terms limitation. This is to avoid the apprehension of the public that incumbent mayors would tend to build a political machine among county employees. The Commission also intends that no mayor may evade the two full term limitation by resigning just prior to the end of his second term.

ARTICLE III

COUNTY COUNCIL

Section 3.03. Terms. The terms of office of [councilmen] councilmembers shall be for [two] four years beginning at twelve o'clock meridian on the [second day of January] first working day in December following their election.

The four-year term for councilmembers had the least support of the fifteen proposals submitted by the Commission. The Commission felt that much of the councilmembers' efforts in a two-year term is expended either in learning the duties of the office or campaigning for the next election. Since being elected is the most compelling desire of an incumbent councilmember, much of his actions may be dictated by his guessing what special interest groups can do for him rather than what may be best for the general public. The Commission felt that a four-year term would promote a better feeling of confidence in the councilmembers when by the end of the term the wisdom of their actions would be more apparent than within two years.

A recent newspaper article reported that there is less and less interest in competent people to run for public office. Part of the reason, we believe, is the cost of financing election campaigns. Despite numerous fund raising events it is believed that much of the campaign expenses are paid for by the candidates themselves. Frequent elections also mean greater election expenses for the county and for the people who believe in supporting candidates with funding aid.

Unlike the two consecutive term limitation applied to the mayor, the councilmembers are not limited to any number of terms. The apprehensions relating to political machines do not apply to councilmembers.

ARTICLE VII

MAYOR

Section 7.02. Qualifications. Any citizen of the United States [not less than thirty (30) years of age] who [has been] is a duly qualified resident elector of the county [for at least three years immediately prior to his election] shall be eligible for election to the office of mayor. Upon removal of his residence from the county, the mayor shall by that fact be deemed to have vacated his office.

The intent of the proposal is to eliminate the minimum age 30 requirement and three-year residency requirement for the office of mayor. Currently, in the case of a vacancy in the mayor's office, someone from the county council is selected by the county council to serve as mayor if the vacancy period is less than 18 months. There is no age 30 requirement for councilmembers, consequently there is a potential conflict in the event a vacancy occurs in the mayor's office.

In addition, the nation-wide tendency is to remove residency requirements and age restrictions. In many states, a resident's

requirement is limited just to the period necessary to register as a voter. The Commission felt that any newcomer, below 30 years of age, who can convince a majority of the voters that he is the best choice for mayor, merits a chance to serve as a mayor.

The Commission has confidence in the good sense of the electorate and agrees with the general philosophy that the public deserves the candidate they elect. There is a growing feeling that no long term residency is necessarily required to understand the problems of the community. As to the age requirement, we have seen some very young mayors in mainland communities. We believe the result indicates both excellent results and disappointing results which would be about the same for cities having a high age requirement for mayors. It is not necessarily true that wisdom is a by-product of age.

ARTICLE IV

ORDINANCES AND RESOLUTIONS

Section 4.03. Submission of Ordinances to the Mayor.

* * *

B. If any bill is presented to the mayor appropriating money, he may veto any textual section, item or items, portion or portions thereof, or appropriations therefor by striking out or reducing the same. In case of such a veto, the mayor shall append to the bill at the time of signing it a statement of the textual section, item or items, or portion or portions thereof to which he objects and the reasons therefor. Each item so vetoed may be reconsidered by the council in the same manner as bills which have been disapproved by the mayor.

The current charter provision permits item veto of appropriations, but it does not mention anything about textual sections. For an example, an item may be stated \$50,000 for the widening of Rice Street. This the mayor may veto, but there is the serious question as to whether the mayor may veto the textual section of an appropriation bill that states the \$50,000 for the widening of Rice Street may only be spent in November and December.

Ordinances and Resolutions
Page 2

Very often the more onerous conditions appear in the textual sections of an appropriation bill. The intent of the proposal is to veto the main item or the textual section that places the narrative restrictions. This provision would narrow the area of disagreement to specific items and conditions rather than imposing on the mayor the veto of an entire ordinance bill just because he disagrees with one section of the textual material. In essence the proposal permits the veto of any item or any section following the appropriation items.

ARTICLE III

COUNTY COUNCIL

Section 3.11. Adoption of Pay Plan. The council by ordinance shall fix the salaries of all department heads, officers and employees who are exempt from civil service. No department head shall receive a salary less than that of the highest paid civil service employee in the county. All other officers and employees shall be classified and paid in accordance with law.

Currently the pay schedule for the majority of county employees, including all Civil Service employees, is set by negotiations between the thirteen employee units of the County and State. The pay schedule for department heads is set by the county council. What has happened is that employees covered under bargaining contracts have received raises at each new negotiation period, currently every two years. The department heads have not had raises since 1980. This has resulted in some Civil Service employees receiving

substantial pay beyond that of their department heads. The situation was best illustrated when the police commission selected a new police chief to replace the retiring police chief. The present appointed chief took a salary cut of approximately \$2,000 from that which he was receiving as an inspector in the department, and the deputy chief who was acting as the police chief received an increase in pay when he went to a lower position.

The inequity will likely occur unless some remedial measure is taken. The proposal states that the salary paid to the department heads shall not be less than that of the highest paid Civil Service employee in the county. It need not necessarily be more than that paid to the Civil Service employee.

ARTICLE XI

POLICE DEPARTMENT

Section 11.01. Organization. There shall be a police department consisting of a police commission, a chief of police and the necessary staff.

Section 11.02. Chief of Police. The chief of police shall be appointed by the police commission. [and] He may be removed by the police commission only after being given a written statement of the charges against him and a hearing before the commission. The chief of police shall have had a minimum of five years of training and experience in law enforcement, at least three years of which shall have been in a responsible administrative capacity. He shall make such reports from time to time as the commission shall require, and shall annually make a report to the commission of the state of affairs and condition of the police department.

Section 11.03. Powers, Duties and Functions. The chief of police shall be the administrative head of the police department and shall:

A. Be responsible for the preservation of the public peace,

prevention of crime, detection and arrest of offenders against the law, preservation of life, protection of the rights of persons and property, and enforcement and prevention of violations of law.

B. Train, equip, maintain and supervise the force of police officers. [pursuant to the rules and regulations enacted by the commission]

[C. Take charge of and keep the county jail and all prisoners committed thereto.]

C. Be responsible for traffic safety and traffic safety education.

D. Serve process both in civil and criminal proceedings.

E. Promulgate rules and regulations necessary for the organization and internal administration of the department.

F. [Have] Perform such other [powers and] duties as may be [prescribed] required by law or as may be assigned by the commission.

Section 11.04 Police Commission. The police commission shall consist of five members appointed by the mayor with the approval of the council. The commission shall hold regular

Police Department
Page 3

public meetings at a designated time and place.

Section 11.05. General Powers of the Commission. [The commission shall adopt necessary rules and regulations pertaining to the functions of the department and shall execute such other duties and powers as may be provided by law.] The police commission shall:

A. Adopt such rules as it may consider necessary for the conduct of its business and the regulations of matters relating to the goals and aims of the department.

B. Review the annual budget prepared by the chief of police and may make recommendations thereon to the mayor.

C. Receive, consider and investigate charges brought by the public against the conduct of the department or any of its members and submit a written report of its findings to the chief of police within ninety days.

D. Refer all matters relating to administration of the department to the chief of police.

E. Adopt such rules to regulate political activities of the members of the police department.

Section 11.06. Discipline and Removal. [The chief of

police shall have the power to discipline or remove any officer or employee pursuant to the rules and regulations enacted by the commission.] The dismissal, suspension, or demotion of any police officer or employee in the police department shall be under procedures set forth by civil service laws and regulation

Section 11.07. Appeals.

[A. Any officer or employee of the police department removed or suspended may, within ten days after service of the order of removal or suspension upon him, apply to the commission for a review of the case.]

[(1) Upon receipt of any application for a review, the commission shall hear the appeal, and it may affirm, set aside or modify the order of the chief of police or make such further order, as in its judgment the facts shall warrant.]

[(2) The decision of the commission shall not preclude parties to the appeal from further recourse to the courts as may be provided by law.]

[B. No officer or employee shall receive any compensation for the period of any suspension or removal, unless after hearing the appeal the commission shall so order.] .

Police Department

Page 5

Appeals from personnel actions shall be in accordance with the applicable collective bargaining agreement executed pursuant to the provisions presently contained in Chapters 76 and 89 of the Hawaii Revised Statutes.

This proposal is an attempt to more clearly define the authority and duties of the police commission in relation to the authority and duties of the chief of police.

In essence the proposal entrusts the police commission with the duty to provide the overall goals and aims of the department. The police commission will also investigate charges against police conduct made by the public. Every day administration of the department is strictly the duty of the police chief. Much of the regulation of personnel conduct is now regulated by collective bargaining agreements and Civil Service regulations. The proposed change will align the County of Kauai to the system prevailing in the other counties.

ARTICLE XIV

PLANNING DEPARTMENT

Section 14.09. Subdivision [of] or Consolidation of Land.

* * *

B. Approval of Subdivisions or Consolidations. [After the enactment of the ordinance governing subdivisions or consolidations of land, no] Land [may] shall only be subdivided or consolidated [unless] when the proposed [subdivision] plans are in conformity with the subdivision and consolidation [ordinance] ordinances and regulations and have been approved by the planning [commission] director: provided however that the decision of the planning director may be appealed to the planning commission.

The delay between the filing of a subdivision application to preliminary approval may range from 10 to 45 days. This is mainly because the planning commission meets only twice a month. The planning commission now has authority to approve subdivision plans. However, the approval depends in very large measure on the applications adherent to standards

and requirements that are set by ordinance. The examination whether the application meets the requirements is always done by the planning staff. Since the approval is mainly ministerial if the standards are met, the Charter Commission suggests that the planning director rule on the applications subject to appeal to the full commission.

The amendment was exhaustively discussed by the Charter Commission. It has the request and approval of the current planning commission.

ARTICLE XIX
FINANCIAL PROCEDURES

Section 19.19. Centralized Purchasing.

A. The department of finance shall be responsible for the procurement of all materials, supplies, equipment and services required by any department, office or agency of the county.

B. There shall be a standardization committee composed of three members. The mayor shall appoint two members, each of whom shall be from a separate department. The third member shall be a representative of the department of finance who shall serve as chairman of the committee. The committee shall classify all materials, supplies, equipment commonly used by the various departments, offices or agencies of the county and shall prepare and adopt standards and specifications for such materials, supplies and equipment.

C. All purchases and contracts for materials, supplies, equipment and services shall be made by advertising for bids, except that such purchases and contracts may be negotiated without advertising if:

(1) The public necessity will not admit of the delay incident to advertising.

(2) The aggregate amount involved does not exceed \$4,000.00; however, any purchases or contracts involving sums between [\$500.00] \$1,500.00 and \$4,000.00 shall be

Financial Procedures

Page Two

based on competitive bids which shall be in writing.

All purchases under \$1,500.00 shall be recorded and such record shall be available for public review.

(3) For materials, supplies and equipment, including animals and plants, patented or proprietary articles, books and publications and professional services for which it is impracticable to secure competition.

(4) For equipment determined to be technical equipment and as to which it is determined that the procurement thereof without advertising is necessary to assure standardization of the equipment and interchangeability of parts, and that such standardization and interchangeability are necessary in the interest of economy.

The advertisement for bids shall be made a sufficient time before the purchase or contract, and specification and invitations for bids shall permit such full and free competition as is consistent with the procurement of the types of materials, supplies, equipment and services necessary to meet the requirements of the department, office or agency concerned.

All bids shall be publicly opened at the time and place stated in the advertisement. Award shall be made with reasonable promptness by written notice to that responsible bidder whose bid conforming to the invitation for bids will be most advantageous to the county, price and other factors considered.

Financial Procedures

Page Three

D. Purchase orders shall be submitted to the office of the director of finance for approval as to availability and designation of funds and no purchase order shall be valid without such approval.

E. The director of finance shall, from time to time, secure from all agencies estimates of their needs for articles of common use and shall, when practicable, consolidate requisitions in order to secure the benefits of quantity purchases and to that end, when authorized by the council, cooperate with other public agencies.

F. The director of finance may, by rules, provide for:

- (1) Emergency purchases which might be required.
- (2) Petty cash funds or blanket purchase orders, or both.

G. All county storerooms (other than departmental) shall be supervised and operated by the director of finance.

H. The director of finance shall require such guarantees of performance by vendors as in his opinion may be necessary or may be prescribed by ordinance.

All purchases of material, supplies or services of \$500 or more, up to \$4,000 requires written competitive bids. Items over \$4,000 require advertising for bids in addition

to written competitive bids. The provisions followed by the State permits purchases without written competitive bids for items and services below \$8,000.

There is very little equipment or services that can be purchased below \$500. The charter provision now existing requires that bid specifications be written for any purchase of \$500 or more. Often the time required in preparing bids exceeds \$500. The average electric typewriter costs nearly a \$1,000 or more.

The proposed amendment permits the purchase of items of less than \$1,500 without written competitive bids. The amendment also requires that all purchases of less than \$1,500 be recorded and the record made available to the public.

NEW ARTICLE

ARTICLE _____

COST CONTROL COMMISSION

Section .01. There shall be a County Cost Control Commission composed of seven members not employed in government service. Three of the members shall be selected by the mayor, three by the council and the seventh shall be appointed by the selected six. If there is no agreement on the selection of the seventh member within thirty (30) days of the appointments of the six members, the seventh member will be selected by the mayor from a list of persons recommended by the business community.

Section .02. Goal. The goal of the commission is to reduce the cost of county government while maintaining a reasonable level of public services.

Section .03. Term. The term of the commission shall be coterminous with the term of the mayor. The mayor and council shall make their selection within forty-five (45) days of their inauguration.

Section .04. The commission shall review personnel costs, real property taxes, travel budgets, contract procedures; review with the aim of eliminating programs and services available or more efficiently supplied by other governments or organizations;

Cost Control Commission
Page 2

eliminate or consolidate overlapping or duplicate programs and services; scrutinize for reduction any county operation.

Section .05. Reports. The commission shall submit its recommendations semi-annually during the second and last quarter of each year. The commission may request that any of its recommendations be drafted in ordinance form for its introduction through the mayor. The mayor shall submit all such recommendations to the council with mayor's comments thereon.

Section .06. Rules and Regulations. The commission shall adopt rules and regulations relating to the operation and management of the commission in order that the commission can accomplish its goals and objectives.

Section .07. Appropriation. The mayor and council shall provide an annual appropriation sufficient to enable the commission to secure clerical help and pay other operational costs. The commission shall be provided with the latest mayor's annual report and the council's latest audit report. The commission is empowered to secure from any department, agency, official or employee, any report or information the commission requests that is appropriate to its function. All such requests shall be made through the office of the mayor or the chairman of the council for information within their respective jurisdictions.

The proposal relating to the creation of a county cost control commission is a new provision. This proposal has received considerable comment. Some think it is a wonderful idea; some think it is useless. The proposal establishes a seven member commission composed of non-government employed residents to review cost of government with the specific aim of reducing costs.

As an enforcement tool, the commission may introduce ordinances proposing the cost cutting measures. The intent is that the county attorney will draft the ordinances. A beginning point is suggested by mentioning the annual audit report of the county council and the annual report of the mayor.

1. (ARTICLE XVIII, SEC. 18.02 - CIVIL DEFENSE AGENCY)
SHALL THE MAYOR HAVE THE POWER TO DECLARE A STATE OF DISASTER
OR EMERGENCY IN THE COUNTY OF KAUAI?

YES _____
NO _____

Hurricane Iwa showed that a disaster may be concentrated in one county only. It is important that the mayor may declare a disaster without waiting for the State Director of Civil Defense, the Adjutant General.

The declaration empowers the mayor to expend county funds and direct county manpower. It will also empower the mayor to enforce any emergency power granted under the current Chapter 128, HRS, relating to control of ingress and egress from disaster areas and to use private property.

2. (ARTICLE XVIII, SEC. 18.03 - CIVIL DEFENSE AGENCY)
SHALL THE COUNCIL PROVIDE FOR A CIVIL DEFENSE CONTINGENCY FUND NOT LESS THAN \$50,000 THAT CAN BE EXPENDED BY THE MAYOR DURING A STATE OF DISASTER OR EMERGENCY WITH ALL SUCH EXPENDITURES BEING REPORTED TO THE COUNCIL?

YES _____
NO _____

The county charter states that an appropriation is necessary to permit expenditure of county funds. The intent is not to supersede the county council, but to have the council provide at least a \$50,000 appropriation before the disaster strikes. In the recent Hurricane Iwa, immediate road clearing activities and property security work exceeded \$50,000 by a wide margin.

3. (ARTICLE III, SEC. 3.07 - COUNTY COUNCIL)
SHALL THE COUNCIL HAVE THE OPTION OF CONDUCTING ITS FIRST MEETING AFTER ITS INAUGURATION AND SWEARING-IN AT EITHER THE COUNCIL ROOM AT THE COUNTY BUILDING OR IN THE KAUAI WAR MEMORIAL CONVENTION HALL?

YES _____
NO _____

The current charter provision mandates the holding of all its meetings in the council chambers. When the council is unable to conclude its organizational meeting expeditiously, it has to recess the meeting for the inauguration ceremony held at the Convention Hall. After the ceremony, the meeting is resumed in the council chambers.

The amendment is intended to permit the first meeting of the council to be held either in the council chambers or the Convention Hall. The entire meeting or parts of the meeting may be held at either location.

A proposal to permit the council to have the discretion to choose any location was disapproved. The Commission is of the opinion that there is currently no other suitable site for both a meeting and a ceremony. It is also desirable to have the site determined without waiting for an organizational meeting to be held selecting the site.

4. (ARTICLE III, SEC. 3.03, ARTICLE VII, SEC. 7.01, ARTICLE IXA, SEC. 9A.01)
SHALL THE TERM OF OFFICE OF ALL ELECTED COUNTY OFFICIALS, INCLUDING MAYOR, COUNCILMEMBERS AND PROSECUTOR, COMMENCE ON THE FIRST WORKING DAY OF DECEMBER AFTER THE GENERAL ELECTION RATHER THAN ON JANUARY 2ND?
YES _____
NO _____

The terms of all elective officials now begin on January 2 following the general election. The January date permits a "lame duck" period of nearly two full months. The lame duck group may at times involve a majority of the council. The possibilities are that the "lame duck" councilmembers may try to do too much, or too little. The Commission felt it best to put the new council to work earlier. Furthermore, January 2 is too festive a period to begin work in earnest.

The result of the change will reduce by one month the retirement credit of officials elected in the 1984 election.

If the first working day in December is not December 1st, the incumbent officials will serve until the first working day and the pay adjusted pro-rata.

5. (ARTICLE XIX, SEC. 19. ____ FINANCIAL PROCEDURES) (NEW SECTION) SHALL THE FINANCE DIRECTOR REFER PAST DUE ACCOUNTS TO THE COUNTY ATTORNEY FOR COLLECTION 90 DAYS AFTER THE ACCOUNT BECOMES PAST DUE (EXCEPT WHERE OTHERWISE PROVIDED BY LAW)?

YES _____
NO _____

This provision imposes upon the finance director a mandate to refer all accounts owing the County of Kauai, and more than 90 days delinquent, to the county attorney's office for collection. While the finance director may currently take this action without the amendment, the Commission felt it desirable to make the provision a mandate upon the finance director.

The purpose is to avoid losses of substantial claims resulting from the delay in collecting the claims. While a debtor may be willing to pay its debt to the county in installments, and may be making efforts to live up to its agreement, the Internal Revenue Service or other creditors may want to have its claim paid first leaving the county with an uncollectible claim when it becomes subject to the prior claims of the Internal Revenue Service and the bankruptcy court.

This provision is intended to reduce losses resulting from inactivity against debtors of the county. The provision states that this procedure is to be followed unless otherwise provided by law.

The intent of this provision is that where statutes or ordinances specify collection procedures those provisions shall be followed. For an example, delinquent real property taxes will be collected as provided by the real property tax ordinance.

6. (ARTICLE _____, - RECALL) (NEW ARTICLE)
SHALL THE VOTERS HAVE THE POWER TO REMOVE ANY ELECTIVE OFFICER,
SERVING ON A FOUR-YEAR TERM OF OFFICE, BY RECALL PROCEDURES?

YES _____
NO _____

This proposal adds a new article to the county charter. It is related to the proposals for the four-year terms for mayor and councilmembers. The recall article permits the removal of elected officials when a petition for recall, signed by more than 20% of the voters registered in the last general election, is presented to the county clerk. If less than 50% of the total number of voters registered in the last general election fail to vote at the recall election, the official sought to be recalled shall continue to serve regardless of the outcome of the recall election.

The intent of the Commission is to provide the voters with an opportunity to remove incompetent officials in midterm instead of providing an election every two years. The recall provision will apply only to officials granted a four-year term.

7. (ARTICLE VII, SEC. 7.01 - MAYOR)
SHALL THE TERM OF THE OFFICE OF THE MAYOR BE EXTENDED FROM TWO
TO FOUR YEARS, AND BE LIMITED TO TWO CONSECUTIVE FULL TERMS?
(BEGINS WITH 1986 ELECTION)

YES _____
NO _____

The Commission is of the opinion that a two-year term does not provide sufficient time for a mayor to plan and implement a program for his administration. Currently, Kauai is the only county in the State that has a two-year term for its mayor.

In a two-year term an incoming mayor works under a budget that was prepared before he took office, and he prepares a budget that extends six months beyond his two-year term. It is obvious that the mayor would be working under someone else's budget and essentially

carrying out someone else's budget for almost a quarter of his term.

It is to be noted that generally it takes more than two years to plan a program and secure Federal or State funding where a grant is involved. The proposal limits the mayor to a two consecutive full terms limitation. This is to avoid the apprehension of the public that incumbent mayors would tend to build a political machine among county employees. The Commission also intends that no mayor may evade the two full terms limitation by resigning just prior to the end of his second term.

8. (ARTICLE III, SEC. 3.03 - COUNTY COUNCIL)
SHALL THE TERM OF OFFICE OF COUNCILMEMBERS BE EXTENDED FROM TWO TO FOUR YEARS? (BEGINS WITH 1986 ELECTION)

YES _____
NO _____

The four-year term for councilmembers had the least support of the fifteen proposals submitted by the Commission. The Commission felt that much of the councilmembers' efforts in a two-year term is expended either in learning the duties of the office or campaigning for the next election. Since being elected is the most compelling desire of an incumbent councilmember, much of his actions may be dictated by his guessing what special interest groups can do for him rather than what may be best for the general public. The Commission felt that a four-year term would promote a better feeling of confidence in the councilmembers when by the end of the term the wisdom of their actions would be more apparent than within two years.

A recent newspaper article reported that there is less and less interest in competent people to run for public office. Part of the reason, we believe, is the cost of financing election campaigns. Despite numerous fund raising events it is believed that much of the campaign expenses are paid for by the candidates themselves. Frequent elections also mean greater election expenses for the county and for the people who believe in supporting candidates with funding aid.

Unlike the two consecutive terms limitation applied to the mayor, the councilmembers are not limited to any number of terms. The apprehensions relating to political machines do not apply to councilmembers.

9. (ARTICLE VII, SEC. 7.02 - MAYOR)
SHALL THE 30-YEAR AGE REQUIREMENT AND THE THREE-YEAR RESIDENCY REQUIREMENT FOR MAYOR BE REMOVED?

YES _____
NO _____

The intent of the proposal is to eliminate the minimum age 30 requirement and three-year residency requirement for the office of mayor. Currently, in the case of a vacancy in the mayor's office someone from the county council is selected by the county council to serve as mayor if the vacancy period is less than 18 months. There is no age 30 requirement for councilmembers, consequently there is a potential conflict in the event a vacancy occurs in the mayor's office.

In addition, the nation-wide tendency is to remove residency requirements and age restrictions. In many states, a resident's requirement is limited just to the period necessary to register as a voter. The Commission felt that any newcomer, below 30 years of age, who can convince a majority of the voters that he is the best choice for mayor, merits a chance to serve as a mayor.

The Commission has confidence in the good sense of the electorate and agrees with the general philosophy that the public deserves the candidate they select. There is a growing feeling that no long term residency is necessarily required to understand the problems of the community. As to the age requirement, we have seen some very young mayors in mainland communities. We believe the result indicates both excellent results and disappointing results which would be about the same for cities having a high age requirement for mayors. It is not necessarily true that wisdom is a by-product of age.

10. (ARTICLE IV, SEC. 4.03 - ORDINANCES AND RESOLUTIONS)
SHALL THE MAYOR HAVE THE POWER TO VETO TEXTUAL SECTIONS OF BILLS
APPROPRIATING MONEY?

YES _____
NO _____

The current charter provision permits item veto of appropriations, but it does not mention anything about textual sections. For an example, an item may be stated \$50,000 for the widening of Rice Street. This the mayor may veto, but there is the serious question as to whether the mayor may veto the textual section of an appropriation bill that states the \$50,000 for the widening of Rice Street may only be spent in November and December.

Very often the more onerous conditions appear in the textual sections of an appropriation bill. The intent of the proposal is to veto the main item or the textual section that places the narrative restrictions. This provision would narrow the area of disagreement to specific items and conditions rather than imposing on the mayor the veto of an entire ordinance bill just because he disagrees with one section of the textual material. In essence the proposal permits the veto of any item or any section following the appropriation items.

11. (ARTICLE III, SEC. 3.11 - COUNTY COUNCIL)
SHALL THE SALARIES FOR DEPARTMENT HEADS BE NO LESS THAN THE SALARY
OF THE HIGHEST PAID CIVIL SERVICE EMPLOYEE IN THE COUNTY?

YES _____
NO _____

Currently the pay schedule for the majority of county employees, including all Civil Service employees, is set by negotiations between the thirteen employee units of the County and State. The pay schedule for department heads is set by the county council. What has happened is that employees covered under bargaining contracts have received raises at each new negotiation period, currently every two years. The department heads have not had raises since 1980. This has resulted in some Civil Service employees receiving substantial

pay beyond that of their department heads. The situation was best illustrated when the police commission selected a new police chief to replace the retiring police chief. The present appointed chief took a salary cut of approximately \$2,000 from that which he was receiving as an inspector in the department, and the deputy chief who was acting as the police chief received an increase in pay when he went to a lower position.

The inequity will likely occur unless some remedial measure is taken. The proposal states that the salary paid to the department heads shall not be less than that of the highest paid Civil Service employee in the county. It need not necessarily be more than that paid to the Civil Service employee.

12. (ARTICLE XI, - POLICE DEPARTMENT)
SHALL THE PROVISIONS RELATING TO THE POLICE DEPARTMENT BE AMENDED SO AS TO CLARIFY AND BETTER DEFINE THE ROLE OF THE POLICE COMMISSION IN ESTABLISHING POLICY AS CONTRASTED WITH THE ROLE OF THE CHIEF OF POLICE IN ADMINISTERING THE DAY-TO-DAY OPERATIONS OF THE DEPARTMENT?

YES _____
NO _____

This proposal is an attempt to more clearly define the authority and duties of the police commission in relation to the authority and duties of the chief of police.

In essence the proposal entrusts the police commission with the duty to provide the overall goals and aims of the department. The police commission will also investigate charges against police conduct made by the public. Every day administration of the department is strictly the duty of the police chief. Much of the regulation of personnel conduct is now regulated by collective bargaining agreements and Civil Service regulations. The proposed change will align the County of Kauai to the system prevailing in the other counties.

13. (ARTICLE XIV, SEC. 14.09 - PLANNING DEPARTMENT)
SHALL THE PLANNING DIRECTOR HAVE THE POWER TO APPROVE THE SUBDIVISION

AND CONSOLIDATION OF LANDS PROVIDED THAT THE DECISION OF THE
PLANNING DIRECTOR MAY BE APPEALED TO THE PLANNING COMMISSION?

YES _____
NO _____

The delay between the filing of a subdivision application to preliminary approval may range from 10 to 45 days. This is mainly because the planning commission meets only twice a month. The planning commission now has authority to approve subdivision plans. However, the approval depends in very large measure on the applications adherent to standards and requirements that are set by ordinance. The examination whether the application meets the requirements is always done by the planning staff. Since the approval is mainly ministerial if the standards are met, the Charter Commission suggests that the planning director rule on the applications subject to appeal to the full commission.

The amendment was exhaustively discussed by the Charter Commission. It has the request and approval of the current planning commission.

14. (ARTICLE XIX, SEC. 19.19 - FINANCIAL PROCEDURES)
SHALL THE MAXIMUM AMOUNT FOR PURCHASING MATERIALS, SUPPLIES,
EQUIPMENT AND SERVICES FOR THE COUNTY WITHOUT ADVERTISING, AND
WITHOUT FORMAL BIDS, BE INCREASED FROM \$500 to \$1,500 WITH ALL SUCH
PURCHASES BEING RECORDED AND MADE AVAILABLE FOR PUBLIC REVIEW?

YES _____
NO _____

All purchases of material, supplies or services of \$500 or more, up to \$4,000 requires written competitive bids. Items over \$4,000 require advertising for bids in addition to written competitive bids. The provisions followed by the State permit purchases without written competitive bids for items and services below \$8,000.

There is very little equipment or services that can be purchased

below \$500. The charter provision now existing requires that bid specifications be written for any purchase of \$500 or more. Often the time required in preparing bids exceeds \$500. The average electric typewriter costs nearly a \$1,000 or more.

The proposed amendment permits the purchase of items of less than \$1,500 without written competitive bids. The amendment also requires that all purchases of less than \$1,500 be recorded and the record made available to the public.

15. (ARTICLE ____, - COST CONTROL COMMISSION) (NEW ARTICLE)
SHALL A COST CONTROL COMMISSION BE CREATED THAT WILL HAVE THE POWER TO REVIEW GOVERNMENT SPENDING AND SERVICES AND THE INTENTION OF REDUCING THE COST OF COUNTY GOVERNMENT WHILE AT THE SAME TIME MAINTAINING A REASONABLE LEVEL OF SERVICES?

YES _____
NO _____

The proposal relating to the creation of a county cost control commission is a new provision. This proposal has received considerable comment. Some think it is a wonderful idea; some think it is useless. The proposal establishes a seven member commission composed of non-government employed residents to review cost of government with the specific aim of reducing costs.

As an enforcement tool, the commission may introduce ordinances proposing the cost cutting measures. The intent is that the county attorney will draft the ordinances. A beginning point is suggested by mentioning the annual audit report of the county council and the annual report of the mayor.

STATE OF HAWAII

TOP

D

OFFICIAL BALLOT

GENERAL ELECTION

TUESDAY, NOVEMBER 6, 1984

AMENDMENTS TO THE KAUAI
CHARTER PROPOSED BY THE

CHARTER REVIEW COMMISSION

VOTE BOTH SIDES (OVER)

The full text of each of the charter amendments covered by this ballot is available for inspection at your polling place. Ask an Election Official for it, if you wish to see it.

1	(Article XVIII, Sec. 18.02 - Civil Defense Agency) Shall the Mayor have the power to declare a state of disaster or emergency in the County of Kauai?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
2	(Article XVIII, Sec. 18.03 - Civil Defense Agency) Shall the Council provide for a civil defense contingency fund not less than \$50,000 that can be expended by the Mayor during a state of disaster or emergency with all such expenditures being reported to the Council?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
3	(Article III, Sec. 3.07 - County Council) Shall the Council have the option of conducting its first meeting after its inauguration and swearing-in at either the Council Room at the County Building or in the Kauai War Memorial Convention Hall?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
4	(Article III, Sec. 3.03, Article VII, Sec. 7.01, Article IXA, Sec. 9A.01) Shall the term of office of all elected county officials, including Mayor, Councilmembers and Prosecutor, commence on the first working day of December after the general election rather than on January 2nd?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

507
ABM

VOTE BOTH SIDES (OVER)

D

I HAVE VOTED, HAVE YOU?

VOTE BOTH SIDES (OVER)

5	(Article XIX, Sec. 19. _____ - Financial Procedures) (New Section) Shall the Finance Director refer past due accounts to the County Attorney for collection 90 days after the account becomes past due (except where otherwise provided by law)?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
6	(Article _____, Sec. _____ .01 - Recall) (New Article) Shall the voters have the power to remove any elective officer, serving a four-year term of office, by recall procedures?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
7	(Article VII, Sec. 7.01 - Mayor) Shall the term of the office of the Mayor be extended from two to four years, and be limited to two consecutive full terms? (Begins with 1986 election)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
8	(Article III, Sec. 3.03 - County Council) Shall the term of office of Councilmembers be extended from two to four years? (Begins with 1986 election)	YES <input type="checkbox"/>	NO <input type="checkbox"/>

506
ABM

VOTE BOTH SIDES (OVER)

D

STATE OF HAWAII

TOP

D

OFFICIAL BALLOT

GENERAL ELECTION

TUESDAY, NOVEMBER 6, 1984

AMENDMENTS TO THE KAUAI
CHARTER PROPOSED BY THE

CHARTER REVIEW COMMISSION

VOTE BOTH SIDES (OVER)

The full text of each of the charter amendments covered by this ballot is available for inspection at your polling place. Ask an Election Official for it, if you wish to see it.

1	(Article XVIII, Sec. 18.02 - Civil Defense Agency) Shall the Mayor have the power to declare a state of disaster or emergency in the County of Kauai?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
2	(Article XVIII, Sec. 18.03 - Civil Defense Agency) Shall the Council provide for a civil defense contingency fund not less than \$50,000 that can be expended by the Mayor during a state of disaster or emergency with all such expenditures being reported to the Council?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
3	(Article III, Sec. 3.07 - County Council) Shall the Council have the option of conducting its first meeting after its inauguration and swearing-in at either the Council Room at the County Building or in the Kauai War Memorial Convention Hall?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
4	(Article III, Sec. 3.03, Article VII, Sec. 7.01, Article IXA, Sec. 9A.01) Shall the term of office of all elected county officials, including Mayor, Councilmembers and Prosecutor, commence on the first working day of December after the general election rather than on January 2nd?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

507
ABM

VOTE BOTH SIDES (OVER)

D

I HAVE VOTED, HAVE YOU?

VOTE BOTH SIDES (OVER)

5	(Article XIX, Sec. 19. _____ - Financial Procedures) (New Section) Shall the Finance Director refer past due accounts to the County Attorney for collection 90 days after the account becomes past due (except where otherwise provided by law)?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
6	(Article _____, Sec. _____ .01 - Recall) (New Article) Shall the voters have the power to remove any elective officer, serving a four-year term of office, by recall procedures?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
7	(Article VII, Sec. 7.01 - Mayor) Shall the term of the office of the Mayor be extended from two to four years, and be limited to two consecutive full terms? (Begins with 1986 election)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
8	(Article III, Sec. 3.03 - County Council) Shall the term of office of Councilmembers be extended from two to four years? (Begins with 1986 election)	YES <input type="checkbox"/>	NO <input type="checkbox"/>

506
ABM

VOTE BOTH SIDES (OVER)

D

CHARTER REVIEW COMMISSION
COUNTY OF KAUAI

Minutes of the Charter Review Commission meeting held on Monday, October 22, 1984 in the County Council Chambers.

CALL TO ORDER. The meeting was called to order by Chairman Morris S. Shinsato at 3:02 p.m.

Members present were: Mrs. Shirley Akita, Mrs. Tamiko Asahi, Mr. Jack Bennington, Mr. Marcelino Francisco, Mr. Greg Kamm, Mr. Springwater Kaulili and Mr. Morris Shinsato. County Attorney Michael J. Belles was also present.

APPROVAL OF AGENDA. The agenda was approved by the Commission.

APPROVAL OF MINUTES. The minutes of the Commission's September 5 and October 15, 1984 meetings were approved as circulated.


NEW BUSINESS:

The main purpose of the meeting was to conduct an interview with the members and Mr. Bill Dahle of Radio Station KUAI. Chairman Shinsato expressed his thanks to Mr. Dahle of KUAI for his cooperation in getting the message out to the public before the General Election.

ANNOUNCEMENTS:

Adjournment. At the conclusion of the interview the meeting adjourned at 4:45 p.m.

Respectfully submitted,



Arlene Octavio
Secretary to the Charter
Review Commission

CHARTER REVIEW COMMISSION
COUNTY OF KAUAI

Minutes of the Charter Review Commission meeting held on Monday, October 15, 1984 in the County Building Board Room.

CALL TO ORDER. The meeting was called to order by Chairman Morris S. Shinsato at 3:15 p.m.

Members present were: Mrs. Shirley Akita, Mrs. Tamiko Asahi, Mr. Jack Bennington, Mr. Marcelino Francisco, Mr. Greg Kamm, Mr. Springwater Kaulili and Mr. Morris Shinsato. County Attorney Michael J. Belles was also present.

APPROVAL OF AGENDA. The agenda was approved by the Commission.

NEW BUSINESS:

Publicity. The remaining task of the Charter Review Commission is to inform the public about the merits and effect of the fifteen proposed amendments. The Commission discussed various ways to reach and inform the voters before the General Election in November.

Mr. Greg Kamm suggested that the Commission might prepare a video tape which could be run on cable Channel 3. Perhaps the format could be an informal interview with the entire Commission answering questions and discussing the proposed charter amendments. After a lengthy discussion the Commission decided against the suggestion because of the complexities and technicalities involved in such an undertaking.

The Commission recommended that the format containing the ballot questions with the rationale of the proposed charter amendments be published in every edition of The Garden Island

Charter Review Commission Minutes of October 15, 1984 Meeting
Page 2.

and Kauai Times newspapers between now and the General Election. Chairman Shinsato shall contact Mr. John Uyeno, Publisher of The Garden Island in this regard. Mr. Belles has contacted the Kauai Times and is presently awaiting their response.

Mrs. Shirley Akita advised the Commission she would send a copy of the official ballot questions and the proposed charter amendments with the supporting rationale to all school principals and teachers for their information and educational purposes.

Chairman Shinsato recommended that the members extend invitations to other organizations as well as the Kauai senior centers to explain the proposed charter amendments. This week Chairman Shinsato and Mr. Jack Bennington are scheduled to meet with the Kilauea seniors; Mr. Greg Kamm to meet with the Kalaheo seniors; Mr. Springwater Kaulili to meet with the Koloa seniors. Chairman Shinsato had met previously with the Waimea seniors. Mr. Kamm will also address the proposed charter amendments at a Rotary Club meeting on October 31, 1984.

Mr. Bill Dahle of KUAI expressed to Mr. Belles that he would be willing to interview the Commission on the proposed charter amendments at their convenience. The Commission requested Mr. Belles to contact Mr. Dahle and set up an interview with the Commission on Monday, October 22, 1984 in the Council Chambers at 3 p.m.

A letter prepared by Chairman Shinsato to the County Council requesting their help in explaining to the public the effects of the proposed charter amendments was signed by the members and will be given to the Council by Mr. Belles.

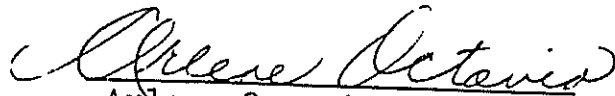
ANNOUNCEMENTS:

Next Meeting. The next meeting of the Charter Review Commission is scheduled for Monday, October 22, 1984 at 3 p.m. in the County Building, Council Chambers.

Charter Review Commission Minutes of October 15, 1984 Meeting
Page 3.

Adjournment. The meeting adjourned at 4:45 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Arlene Octavio".

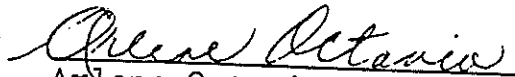
Arlene Octavio
Secretary to the Charter
Review Commission

CHARTER REVIEW COMMISSION
COUNTY OF KAUAI

Minutes of the Charter Review Commission meeting held
on Tuesday, October 9, 1984 in the County Council Chambers.

CALL TO ORDER. The meeting was called to order by
Chairman Morris S. Shinsato at 3:05 p.m. The meeting was
adjourned at 3:06 p.m. due to lack of a quorum.

Respectfully submitted,


Arlene Octavio
Secretary to the Charter
Review Commission

CHARTER REVIEW COMMISSION
COUNTY OF KAUAI

Minutes of the Charter Review Commission meeting held on Wednesday, September 5, 1984 in the County Council Chambers.

CALL TO ORDER. The meeting was called to order by Chairman Morris S. Shinsato at 4:18 p.m.

Members present were: Mr. Jack Bennington, Mr. Marcelino Francisco, Mr. Greg Kamm, Mr. Springwater Kaulili and Mr. Morris Shinsato. County Attorney Michael J. Belles was also present.

Absent and excused were: Mrs. Shirley Akita and Mrs. Tamiko Asahi.

APPROVAL OF AGENDA. The agenda was approved by the Commission.

APPROVAL OF MINUTES. The minutes of the Commission's August 27, 1984 meeting were approved as circulated. The minutes of the Commission's July 31, August 1 and August 2, 1984 public hearings were also approved as circulated.

NEW BUSINESS:

The Commission reviewed and revised the 1984 Charter Amendments (Final Draft) dated September 5, 1984.

ARTICLE XVIII - CIVIL DEFENSE

Section 18.03. Civil Defense Contingency Fund

Amended to read: The council shall provide in the annual budget a civil defense contingency fund of not less than \$50,000 to be expended by the mayor for public purposes during any state of emergency or disaster. ((declared in accordance with Article XVIII of this charter))

NEW ARTICLE - COST CONTROL COMMISSION
Section .01.

Amended to read: If there is no agreement on the selection of the seventh member within thirty (30) days of the appointments of the six members, the seventh member will be selected by the mayor. {from a list of persons recommended by the business community}

The final draft of the proposed charter amendments was approved unanimously by the Commission subsequent to the above-mentioned revisions.

The proposed ballot language was approved unanimously by the Commission.

Charter Review Interim Report. The Commission reviewed and revised the interim report draft to the Mayor and County Council prepared by Chairman Shinsato. When all the Commissioners' signatures have been gathered, the interim report will be typed and submitted to the Mayor and County Council as soon as possible.

ANNOUNCEMENTS:

Next Meeting. The next meeting of the Charter Review Commission is subject to call.

Adjournment. The meeting adjourned at 5:15 p.m.

Respectfully submitted,



Arlene Octavio
Secretary to the Charter
Review Commission

CHARTER REVIEW COMMISSION
COUNTY OF KAUAI

Minutes of the Charter Review Commission meeting held on Monday, August 27, 1984 in the County Council Chambers.

CALL TO ORDER. The meeting was called to order by Chairman Morris S. Shinsato at 3:10 p.m.

Members present were: Mrs. Shirley Akita, Mrs. Tamiko Asahi, Mr. Jack Bennington, Mr. Marcelino Francisco, Mr. Greg Kamm, Mr. Springwater Kaulili and Mr. Morris Shinsato.

Absent and excused was: County Attorney Michael J. Belles.

APPROVAL OF AGENDA. The agenda was approved by the Commission.

APPROVAL OF MINUTES. The minutes of the Commission's August 20, 1984 meeting were approved as circulated.

NEW BUSINESS:

Deferred Voting. The Commission voted on the terms for county council/mayor and recall provisions which will be placed on the ballot.

Section 3.03 & 7.01. County Council/Mayor - Terms.

Motion was made by Mr. Greg Kamm and seconded by Mr. Springwater Kaulili for a four year term with a two consecutive term limitation, as originally submitted by the County Council, for councilmembers and mayor.

The motion was amended by Mr. Greg Kamm for elimination of the two consecutive terms limitation for councilmembers only. The motion was seconded by Mr. Jack Bennington and carried unanimously.

Charter Review Commission Minutes of August 27, 1984 Meeting
Page 2

It is the intention of the Commission that the four year term for councilmembers and mayor begins with the 1986 election and does not include any previous term of office.

It is the intention of the Commission that the two consecutive full terms of office for the mayor shall be four years and not three years and ten or eleven months.

New Article - Recall. Adopted unanimously.

It is the intention of the Commission that the recall provision shall stand alone and not be contingent on the four year term passing in the November 1984 election.

Ballot Language. The Commission reviewed and revised the proposed 1984 ballot language concerning charter amendments.

- Shall the term of office of Councilmembers be extended from two to four years? (Begins with 1986 election)

- Shall the term of office of all elected officials commence on the first working day of December after the general election? (Begins with 1986 election)

- Shall the 30-year age requirement for Mayor be removed?
Revised to read:

- Shall any duly qualified elector of the county be eligible to run for Mayor?

- Shall the provisions relating to the Police Department be amended so as to clarify and better define the role of the Police Commission in establishing policy as opposed to contrasted with the role of the Chief of Police in administering the day-to-day operations of the Department?

Department of Public Works. Mr. Greg Kamm expressed view that there is a situation for which there is no appeal and which is basically within the Department of Public Works. Appeals can be made to the Planning Commission on permits, to the Police Commission

Charter Review Commission Minutes of August 27, 1984 Meeting
Page 3

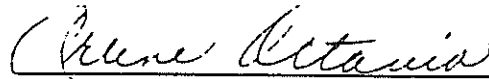
on police issues and to the Building Permit Appeals Board for building permits. There is a need for an appeals board which would deal with engineering. Perhaps the board could deal with all the Public Work's issues and be expanded to include building permits and engineering, but there is a need for a lay commission review or ultimate appeal body.

ANNOUNCEMENTS:

Next Meeting. The next meeting of the Charter Review Commission is scheduled for Wednesday, September 5, 1984 at 4 p.m. in the County Building, Council Chambers.

Adjournment. The meeting adjourned at 4:20 p.m.

Respectfully submitted,


Arlene Octavio
Secretary to the Charter
Review Commission

CHARTER REVIEW COMMISSION
COUNTY OF KAUAI

Minutes of the Charter Review Commission meeting held on Monday, August 20, 1984 in the County Council Chambers.

CALL TO ORDER. The meeting was called to order by Chairman Morris S. Shinsato at 3:05 p.m.

Members present were: Mrs. Shirley Akita, Mr. Jack Bennington, Mr. Marcelino Francisco, Mr. Greg Kamm, Mr. Springer Kaulili and Mr. Morris Shinsato. County Attorney Michael J. Belles was also present.

Absent and excused was: Mrs. Tamiko Asahi.

APPROVAL OF AGENDA. The agenda was approved by the Commission.

APPROVAL OF MINUTES. The minutes of the Commission's August 13, 1984 meeting were approved as circulated.

NEW BUSINESS:

Guests. Chairman Shinsato welcomed Mr. Gary Rodrigues and Mr. Joe Brun to the meeting. On behalf of the UPW, Mr. Gary Rodrigues, State Director, summarized and elaborated on the union's recommendations regarding the proposed charter review amendments.

Sections 3.03. & 7.01. Council and Mayor - Terms. Opposed the four year term on the basis that it has been voted down several times in the past.

Section 3.07. Organization of Council..... Recommended that the council designate a meeting place and publish a notice to that effect rather than name the Kauai War Memorial Convention Hall specifically.

Section 4.03. Submission of Ordinances.... Recommended that this be patterned after the State Constitution--the mayor should have the same right as the Governor.

Section 11.05.B. Recommended that the police commission review and approve the budget as proposed by the chief of police.

Section 19. . Endorsed. However, recommended that the County also pay their creditors within 90 days.

Cost Control Commission. Opposed on the basis that another council would be created.

Recall. Opposed.

Mr. Rodrigues expressed sentiment that the UPW would take a strong position for those amendments they favor, and conversely they would take a strong position for those amendments they oppose.

In response to the issue raised on delinquent accounts by the UPW, Mr. Miles Tone of the Finance Department appeared before the Commission. Mr. Tone stated that the County of Kauai does not have any delinquent accounts and creditors are paid on a monthly basis.

Guest. Chairman Shinsato welcomed Mr. Bill Blanchard to the meeting. Mr. Blanchard raised the question whether the Charter provided clear guidelines regarding the temporary disability of the mayor.

The Commission discussed the concerns of Mr. Blanchard and a motion was made by Mr. Greg Kamm that the provision (Section 7.06.B.) pertaining to a mayor's temporary disability be retained as worded. The motion was seconded by Mr. Marcelino Francisco and carried unanimously.

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1984 Charter Amendments (Final Draft). The Commission voted on the Charter amendments final draft as follows:

ARTICLE III - COUNTY COUNCIL

Section 3.03. Terms. Voting deferred until next meeting.

Section 3.04. Qualifications. Adopted unanimously.

Section 3.07. Organization of Council..... Adopted unanimously.

Section 3.11. Adoption of Pay Plan. Adopted unanimously.

ARTICLE IV - ORDINANCES & RESOLUTIONS

Section 4.03. Submission of Ordinances... Adopted unanimously.

ARTICLE VII - MAYOR

Section 7.01. Election & Term of Office. Voting deferred until next meeting.

Section 7.02. Qualifications. Adopted unanimously.

ARTICLE XI - POLICE DEPARTMENT

Sections 11.01 - 11.07. Adopted unanimously.

ARTICLE XIV - PLANNING DEPARTMENT

Section 14.09.B. Subdivision or Consolidation of Land. Adopted unanimously.

ARTICLE XVIII - CIVIL DEFENSE AGENCY

Section 18.02. Mayor to Declare State of Emergency. Adopted unanimously.

Section 18.03. Contingency Fund. Adopted unanimously.

ARTICLE XIX - FINANCIAL PROCEDURES

Section 19.19.C.(2) Centralized Purchasing. Adopted unanimously.

Charter Review Commission Minutes of August 20, 1984 Meeting
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ARTICLE XIX - FINANCIAL PROCEDURES
Section 19. Delinquent Accounts. Adopted unanimously.

NEW ARTICLE - COST CONTROL COMMISSION
Adopted unanimously.

NEW ARTICLE - RECALL
Voting deferred until next meeting.

Mr. Wallace Rezentes joined the meeting and was asked by Chairman Shinsato for his comments on the charter amendments.

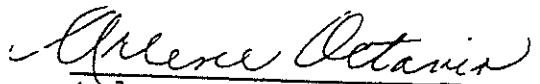
Mr. Rezentes recommended a four year term for mayor and a two year term for council. Opposed limitation of terms. Endorsed raising the sum on bids from \$500 to \$1,500. With regard to the creation of a cost control commission, Mr. Rezentes expressed sentiment that there is a definite need for an independent body such as outlined. However, two requirements are needed--qualified people and adequate financing.

ANNOUNCEMENTS:

Next Meeting: The next meeting of the Charter Review Commission is scheduled for Monday, August 27, 1984 at 3 p.m. in the County Building, Board Room.

Adjournment. The meeting adjourned at 5:10 p.m.

Respectfully submitted,


Arlene Octavio
Secretary to the Charter
Review Commission

CHARTER REVIEW COMMISSION
COUNTY OF KAUAI

Minutes of the Charter Review Commission meeting held on Monday, August 13, 1984 in the County Building Board Room.

CALL TO ORDER. The meeting was called to order by Chairman Morris S. Shinsato at 3:04 p.m.

Members present were: Mrs. Shirley Akita, Mrs. Tamiko Asahi, Mr. Jack Bennington, Mr. Marcelino Francisco, Mr. Greg Kamm and Mr. Morris S. Shinsato. County Attorney Michael J. Belles was also present.

Absent and excused was: Mr. Springwater Kaulili.

APPROVAL OF AGENDA. The agenda was approved by the Commission.

APPROVAL OF MINUTES. The minutes of the Commission's August 6, 1984 meeting were approved as circulated.

NEW BUSINESS:

Guests. Chairman Shinsato welcomed Mr. Patrick Childs, Chairman, Police Commission and Chief Calvin Fujita to the meeting. Mr. Childs made the following comments on the proposed charter amendments regarding the police department.

1. Emphasized the need for the police commission to retain the power of inquiry. However, he also acknowledged that such inquiry should not interfere in any way with the administrative affairs of the department. The commission should only have authority over the establishment and enforcement of policy.

2. Endorsed the provision that the chief of police be given written notice of any charges against him before he may be removed.

3. Agreed that there must be a clear delineation of the duties and responsibilities of the police commission as they relate to the duties and responsibilities of the administration.

4. Recommended ninety (90) days in which the commission can submit a written report to the chief of police regarding charges brought by the public against the conduct of the department or any of its members.

The Commission agreed with the recommendation by Mr. Childs and Chief Fujita of the additional wording in Section 11.05.B. to read: Review the annual budget prepared by the chief of police and may make recommendations thereon to the mayor.

Guests. Mr. Robert Preston, Chairman, Planning Commission and Mr. Avery Youn, Planning Director appeared before the Commission in response to comments received from the public opposing the proposed amendment (Section 14.09.B) which would empower the planning director to approve subdivision or consolidation plans with the right of appeal to the planning commission.

Chairman Shinsato asked Mr. Preston if the proposed amendment would take away a vital power from the planning commission. Mr. Preston replied that the proposed amendment would not give any more power, in any way, to the department; would not take away anything from the commission; and would not take away anything from the public. The public would still have the right of appeal to the commission if dissatisfied with the decision made by the department. The commission currently receives all subdivision material and will continue to do so. The commission reviews, in committee, any subdivision over ten units.

Mr. Preston stated that the planning commission is in full concurrence with the proposed amendment.

The main purpose of the proposal is strictly a time saving measure. The review and approval of subdivisions are technical in nature, and the time consuming process can be streamlined by not having to be coordinated with the monthly commission meeting schedule. A chart was given to the Commission which illustrated

the time flow of various subdivision applications. The sunshine law has been changed recently from 72 hours notice to six days therefore, it could take a subdivision application, which is submitted one day late, 30 days to appear on the next agenda.

Guest. Chairman Shinsato welcomed Mr. James Tehada to the meeting. Mr. Tehada appeared before the Commission as a representative of the Contractors Association of Kauai. He summarized and elaborated on the association's written comments on the proposed charter review amendments.

Section 3.11. Adoption of Pay Plan. Recommended that the present charter language remain unchanged.

Section 14.09.B. Subdivision or Consolidation of Land. Recommended that the planning commission continue to approval all subdivision or consolidation plans.

Section 19.19.C.(2) Centralized Purchasing. Recommended that the contracted dollar sum remain at \$500.00.

New Article. Cost Control Commission. Opposed the creation of the new commission.

Letter received from Mr. Max W.J. Graham, Jr., Deputy County Attorney on behalf of The Board of Ethics, recommending that the original conflict of interest provision be adopted. The Commission voted on June 12, 1984 in favor that the existing conflict of interest provision be retained. Mr. Belles to respond.

In a letter received from Mr. Raymond X. Aki of Koloa, the issue was raised that there is no charter amendment giving the county government any authority to raise its major revenues by the taxation of real property in this county. Mr. Belles to prepare response for Commission.

A letter was received from Mr. Patrick R. Fierro, Jr. of Kalaheo recommending a separate department for parks and recreation.

Charter Review Commission Minutes of August 13, 1984 Meeting
Page 4


In a previous discussion between the Commission and the Deputy County Engineer it was recommended against because of the significant costs (staffing, etc.) that may result.

ANNOUNCEMENTS:

Next Meeting. The next meeting of the Charter Review Commission is scheduled for Monday, August 20, 1984 at 3 p.m. in the County Building, Board Room.

Adjournment. The meeting adjourned at 5:30 p.m.

Respectfully submitted,


Arlene Octavio
Secretary to the Charter
Review Commission

CHARTER REVIEW COMMISSION
COUNTY OF KAUAI

Minutes of the Charter Review Commission meeting held on Monday, August 6, 1984 in the County Building Board Room.

CALL TO ORDER. The meeting was called to order by Chairman Morris S. Shinsato at 3:05 p.m.

Members present were: Mrs. Shirley Akita, Mrs. Tamiko Asahi, Mr. Jack Bennington, Mr. Marcelino Francisco, Mr. Greg Kamm, Mr. Springwater Kaulili and Mr. Morris S. Shinsato. County Attorney Michael J. Belles was also present. Mr. Bennington left the meeting at 3:30 p.m.

APPROVAL OF AGENDA. The agenda was approved by the Commission.

APPROVAL OF MINUTES. The minutes of the Commission's July 23 and July 30, 1984 meetings were approved as circulated.

NEW BUSINESS:

Public Hearings. The Commission reviewed the testimony received at the public hearings held on July 31, August 1 and August 2, 1984. At the Hanapepe hearing Mr. Jimmy Tehada opposed the proposed amendment (Section 14.09) which would empower the planning director to approve subdivision and consolidation plans with a right of appeal to the planning commission. In response to this issue, Mr. Robert Preston, Chairman, Planning Commission will be contacted by Mr. Belles and asked to appear before the Commission or write a letter explaining further the commission's position on the proposed amendment.

Those who gave testimony at the Lihue and Kilauea hearings opposed the proposed charter amendment for a four year term for mayor and councilmembers.

Proposed Charter Amendments on Ballot. The Commission voted on the proposed charter amendments which will be placed on the ballot.

Article III - County Council

Section 3.03. Terms. Four year term--voting deferred until Commission's meeting August 13, 1984.

Section 3.03. Terms. Motion made by Mrs. Shirley Akita that the proposal be retained for starting the new terms of office, for all elected officials, on the first working day in December rather than the current second day in January. The motion was seconded by Mr. Greg Kamm and carried unanimously.

It is the intention of the Commission that the salary for those officials commencing a new term of office on the first working day in December will only receive compensation from that date forward and that the term of office of the preceding office holder will terminate on the first working day in December. Further, the Commission intends that there be no gap or interruption in the terms of the respective elected offices.

Section 3.04. Qualifications. Residency requirement--deferred as housecleaning measure.

Section 3.07. Organization. Motion made by Mr. Springwater Kaulili that the proposal be retained permitting the first meeting of the council to be held in the County Building or in the Kauai War Memorial Convention Hall. The motion was seconded by Mrs. Shirley Akita and carried unanimously.

It is the intention of the Commission that the County Council can conduct its first meeting in either the County Building or the Convention Hall or, in the alternative, the opening day proceedings and ceremonies can be held in both locations.

Section 3.11. Adoption of Pay Plan. Motion made by Mr. Greg Kamm that the proposal be retained "No department head shall

receive a salary less than that of the highest paid civil service employee in the county." The motion was seconded by Mr. Springwater Kaulili and carried unanimously.

It is the intention of the Commission that the deputies in any department can continue to receive equal or less compensation than the highest paid civil servant.

The following departments were defined: County Attorney, Dept. of Finance, Fire Dept., Dept. of Personnel Services, Planning Dept., Police Dept., Dept. of Public Works, Prosecuting Attorney and Dept. of Water.

Article IV - Ordinances and Resolutions

Section 4.03. Submission of Ordinances to the Mayor. Motion made by Mrs. Shirley Akita that the provision be retained to empower the mayor to veto any textual material in addition to appropriation item. The motion was seconded by Mr. Greg Kamm and carried unanimously.

Article VII - Mayor

Section 7.01. Terms. Four year term--voting deferred until Commission's next meeting August 13, 1984.

Section 7.02. Qualifications. Motion made by Mrs. Shirley Akita that the provision be retained to delete the age 30 requirement and retain to delete the three year residency and defer the latter as a housecleaning measure. Motion was seconded by Mr. Greg Kamm and carried unanimously.

It is the intention of the Commission that the failure to delete the 3 year residency requirement is not to be construed as an acknowledgment by the Commission that the residency requirement is valid or constitutional. Rather, because the Commission desires to limit the total number of issues appearing on the ballot, the Commission will instead reserve the question for a later time as a housecleaning measure.

Article XI - Police Department. Recommended that vote be deferred pending input from newly appointed Chief Calvin Fujita at the next meeting. Therefore, voting deferred until the Commission's next meeting with the exception of Section 11.02. Motion made by Mr. Greg Kamm that the entire section (11.02) be deleted. The motion was seconded by Mr. Springwater Kaulili and carried unanimously.

Article XIV - Planning Department

Section 14.09. Subdivisions or Consolidation of Land. Voting deferred until a later meeting.

Article XVIII - Civil Defense Agency

Section 18.02. Mayor to declare a state of emergency. Adopted unanimously.

It is the intention of the Commission that the mayor be empowered to exercise such authority as may be granted under Chapter 128, Hawaii Revised Statutes.

Section 18.03. Civil Defense contingency fund. Adopted unanimously.

Article XIX - Financial Procedures

Section 19.19. C. (2) Centralized Purchasing. Motion made by Mrs. Shirley Akita that the proposal be retained for increasing the amount of purchases permissible without calling for competitive bids from \$500 to \$1,500. Motion seconded by Mrs. Tamiko Asahi and carried unanimously.

Section 19.__. Motion made by Mrs. Shirley Akita that the proposal be retained on past due accounts for collection. The motion was seconded by Mr. Greg Kamm and carried unanimously.

New Article

Section _____. Cost Control Commission. Motion made by Mr. Greg Kamm that the proposal for the Cost Control Commission be retained as drafted. The motion was seconded by Mr. Marcelino Francisco and carried unanimously.

New Article

Section _____. Recall. Voting deferred until the Commission's next meeting.

Chairman Shinsato requested that the drafts with the suggested changes be completed for the Commission's next meeting.

ANNOUNCEMENTS:

Next Meeting. The next meeting of the Charter Review Commission is scheduled for Monday, August 13, 1984 at 3 p.m. in the County Building, Board Room.

Adjournment. The meeting adjourned at 5:10 p.m.

Respectfully submitted,



Arlene Octavio
Secretary to the Charter
Review Commission

PUBLIC HEARING

AUGUST 2, 1984

A public hearing of the Charter Review Commission of the County of Kauai was called to order by Chairman Morris S. Shinsato at the Kilauea Senior Citizens Center, Kilauea, Kauai on Thursday, August 2, 1984 at 7:10 p.m. after which the following answered the call of the roll:

Mr. Morris Shinsato, Chairman
Mr. Jack Bennington

Mr. Michael J. Belles, County Attorney was also present at the hearing.

The chair announced that the hearing had been called for the purpose of soliciting comments from the public on the Proposed Charter Review Amendments (Draft II).

The hearing proceeded as follows:

Mr. Seichi Akagi: Expressed concern about the high cost of government spending and feels something should be put into the Charter to control the spending of government.

ARTICLE III - COUNTY COUNCIL
Section 3.03. Terms.

Mr. Tim Brigham: Opposed the four year term for council. Expressed sentiment that the council may drift away from the issues during a four year term.

Mr. Henry Gomes: Recommended a two year term for council. Endorsed the proposed amendment which would change the terms of elected officials to the first working day in

December in place of the current January 2. Agreed that it would help to avoid a 'lame duck' period.

Mr. Gushiken: Recommended a two year term for council.

Mr. William Hussey: Opposed a four year term for council.

Section 3.07. Organization of Council.....

Mr. Henry Gomes: Endorsed the proposed amendment that would provide the initial meeting of the county council to be held in the Council Chambers or in the Convention Hall.

Section 3.11. Adoption of Pay Plan.

Mr. Henry Gomes: Recommended that a cap of 5% maximum be placed on the department head pay raises. Mr. William Hussey agreed with Mr. Gome's recommendation.

ARTICLE VII - MAYOR

Section 7.01. Election & Term of Office

Mr. Tim Brigham: Opposed the four year term of office.

Mr. William Hussey: Recommended a two year term for mayor. Opposed the removal of the 30-year age requirement. Feels anyone under 30 years of age is too young for the responsibilities of a mayor.

Mr. Henry Gomes: Endorsed the four year term for mayor. Opposed the proposed amendment which would remove the 30-year age requirement.

ARTICLE XI - POLICE DEPARTMENT

Section 11.01. Statement of Policy

Mr. Tim Brigham: Expressed sentiment that the essence of constitutional rights of all persons be kept in focus, therefore, recommended that this section be retained in its entirety. Mr. William Hussey agreed with the recommendation.

Mr. Henry Gomes: Approved the deletion of this section.
(11.01.)

Section 11.04.C.

Mr. Tim Brigham &

Mr. William Hussey: Opposed the proposed 90 days and recommended 45 days in which the police commission could submit a written report to the chief of police regarding charges brought by the public against the conduct of the department or any of its members.

ARTICLE XVIII

Section 18.02. Mayor to Declare State of Emergency

Mrs. Barbara Hussey: Expressed concern that this section might infringe on her rights during a time of disaster. e.g. Would she be kept from returning to her home when a hurricane is imminent?

ARTICLE XIX

Section 19.19.C.(2)

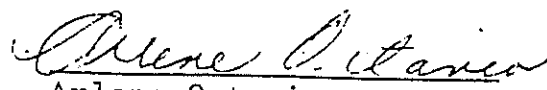
Mr. William Hussey: With regard to the increased amount of purchases permissible without calling for competitive bids, Mr. Hussey endorsed that all purchases shall be recorded and open for public review.

NEW ARTICLE - COST CONTROL COMMISSION

Those who testified at the public hearing endorsed the creation of a Cost Control Commission which would review county government spending with a view of reducing the costs while maintaining a reasonable level of services.

There being no further testimony, the hearing adjourned at 9:25 p.m.

Respectfully submitted,


Arlene Octavio
Secretary to the Charter
Review Commission

PUBLIC HEARING

AUGUST 1, 1984

A public hearing of the Charter Review Commission of the County of Kauai was called to order by Chairman S. Shinsato in the County Council Chambers, Lihue, Kauai on Wednesday, August 1, 1984 at 7:02 p.m. after which the following answered the call of the roll:

Mr. Morris S. Shinsato, Chairman
Mr. Jack Bennington
Mr. Greg Kamm

Mr. Michael J. Belles, County Attorney was also present at the hearing.

The chair announced that the hearing had been called for the purpose of soliciting comments from the public on the Proposed Charter Review Amendments (Draft II).

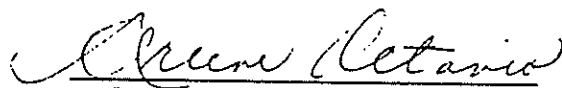
The hearing proceeded as follows:

Mr. John Souza: Opposed the four year term for mayor on the basis that the constituents he has questioned are against it. Expressed view that there would be no advantage in a four year term because if the elected official is good, he'll be voted in another two years. In response to a question from the chair, Mr. Souza replied that the recall provision wouldn't work because "once elected all politicians eat out of the same bowl." Recommended that the mayor appoint the chief of police and the county council chairman. Councilmembers should run at large and serve a two year term.

Mr. John Barretto: Opposed the four year term on the basis that it's been voted down by a large majority in the last three elections and feels there hasn't been any change in the attitude of the people. In response to a question from the chair if a four year term would be more beneficial for the elected official, Mr. Barretto replied "Absolutely not--except for monetary reasons." Recommended no limitation on consecutive terms for elected officials. Expressed sentiment that he would not vote for the proposed amendment (Section 3.11) providing for a pay raise for department heads as presently worded. Recommended a percentage cap be placed on it. Endorsed the proposed amendment creating a Cost Control Commission, however, opposed the method of selection. Feels the selection of the commissioners, as proposed, would be another political arm of the mayor's office.

There being no further testimony, the hearing was adjourned at 8:25 p.m.

Respectfully submitted,



Arlene Octavio

Secretary to the Charter
Review Commission

PUBLIC HEARING

JULY 31, 1984

A public hearing of the Charter Review Commission of the County of Kauai was called to order by Chairman S. Shinsato, at the Hanapepe Recreation Center, Hanapepe, Kauai on Tuesday, July 31, 1984 at 7:07 p.m. after which the following answered the call of the roll:

Mr. Morris S. Shinsato, Chairman
Mrs. Shirley Akita
Mr. Jack Bennington
Mr. Marcelino Francisco
Mr. Greg Kamm
Mr. Springwater Kaulili

Mr. Michael J. Belles, County Attorney, was also present at the hearing.

The chair announced that the hearing had been called for the purpose of soliciting comments from the public on the Proposed Charter Review Amendments (Draft II).

The hearing proceeded as follows:

Ms. Gwen Hamabata: Suggested only five of the fourteen proposed charter amendments be placed on the ballot in November. Fourteen would overwhelm the voters. Suggested that the most interesting proposals be placed first on the ballot to capture the voters' interest. Suggested the name might be changed from Cost Control Commission to Economic Review or Efficiency Commission. Also suggested that if the commission is to be a select group from the community, perhaps at the same time it could look into possible ways of creating new sources of revenue. The Commission explained that the Cost Control Commission was not intended to be a

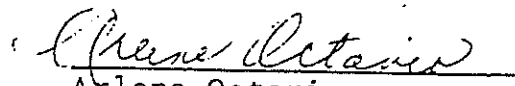
planning body but a commission that would look into the ways of reducing government spending. Feels strongly that the commission should have a limited term (sunset law) and not be ongoing such as the police and planning commissions.

Mr. Tom Okura: No comment at this time, but indicated he would subsequently submit comments in writing to the Charter Review Commission on the Proposed Charter Review Amendments (Draft II).

Mr. James Tehada: Agreed with Ms. Gwen Hamabata's suggested 'sunset law' requirement for a Cost Control Commission. Opposed the proposed charter review amendment that would transfer the authority of approval of subdivisions or consolidations of land from the planning commission to the planning director. Expressed sentiment that the decisions made with regard to subdivisions and consolidations, and the tremendous responsibility attached to these decisions, directly affect the social and economic fabric of this community. Feels it places too large a burden on one individual. Seven individuals with seven different values and views are required for these decisions. Expressed view it would remove the learning process of a commissioner--if the duties are taken away there will be less educated commissioners. The present system forces the commissioners to study the various ordinances and regulations.

There being no further testimony, the hearing was adjourned at 8:15 p.m.

Respectfully submitted,


Arlene Octavio
Secretary to the Charter
Review Commission

CHARTER REVIEW COMMISSION
COUNTY OF KAUAI

Minutes of the Charter Review Commission meeting held on Monday, July 30, 1984 in the County Building Board Room.

CALL TO ORDER. The meeting was called to order by Chairman Morris S. Shinsato at 3:07 p.m.

Members present were: Mrs. Shirley Akita, Mr. Jack Bennington, Mr. Marcelino Francisco, Mr. Greg Kamm, Mr. Springwater Kaulili and Mr. Morris Shinsato. County Attorney Michael J. Belles was also present.

Absent and excused was: Mrs. Tamiko Asahi.

APPROVAL OF AGENDA. The agenda was approved by the Commission.

APPROVAL OF MINUTES. The minutes of the Commission's July 9, 1984 meeting were approved as circulated.

NEW BUSINESS:

The Commission reviewed and revised the Proposed Charter Review Amendments (Draft II).

Article III - County Council

Section 3.03. Terms. The sentence containing the two consecutive term limitation for councilmembers will be added.

Article XI - Police Department

Section 11.08. Appeals.

Amended to read: Except for noncivil service employees, Appeals from personnel actions shall be in accordance with the applicable collective bargaining agreement executed pursuant to the provisions presently contained in Chapters 76 and 89 of the Hawaii Revised Statutes. (i.e., personnel who do not come under any collective bargaining agreement shall comply with the terms of contract.)

Article XIV - Planning Department
Section 14.09.

B. Approval of Subdivisions or Consolidations. [After the enactment of the ordinance governing subdivisions or consolidations of land, no] Land [may be] shall only be subdivided or consolidated [unless] when the proposed plans are in conformity with the subdivision and consolidation ordinances and regulations and

Article XVII - Department of Water
Section 17.03. D. and E. Deleted.

It was brought to the attention of the members by Mr. Belles that the two new provisions covering authority to condemn land and issue revenue bonds were deleted from Draft II. These provisions were adopted by the voters in November, 1980 and are referred to in the Charter under Section 17.03. C.

Cost Control Commission

Section __.01. A. shall become Section __.03. Terms.

Section __.01. B. shall become Section __.07. Appropriation.

Public Hearings. Chairman Shinsato proposed a different chairman for each public hearing. The Commission, however, agreed unanimously that Chairman Shinsato should chair the hearings. It was recommended that at least four commissioners should attend each hearing. Copies of the Proposed Charter Review Amendments (Draft II) will be made available as handouts at the public hearings and for distribution to the general public.

ANNOUNCEMENTS:

Next Meeting. The next meeting of the Charter Review Commission is scheduled for Monday, August 6, 1984 at 3 p.m. in the County Building, Board Room.

Adjournment. The meeting adjourned at 4:38 p.m.

Respectfully submitted,



Arlene Octavio

Secretary to the Charter
Review Commission

CHARTER REVIEW COMMISSION
COUNTY OF KAUAI

Minutes of the Charter Review Commission meeting held on Monday, July 23, 1984 in the County Building Board Room.

CALL TO ORDER. The meeting was called to order by Chairman Morris S. Shinsato at 3:08 p.m.

Members present were: Mrs. Shirley Akita, Mrs. Tamiko Asahi, Mr. Jack Bennington, Mr. Springwater Kaulili and Mr. Morris Shinsato.

Absent and excused were: Mr. Marcelino Francisco and Mr. Greg Kamm. County Attorney Michael J. Belles was also absent.

APPROVAL OF AGENDA. The agenda was approved by the Commission.

APPROVAL OF MINUTES. Due to Mrs. Octavio's illness no minutes were submitted at the meeting.

NEW BUSINESS:

Draft Letter to County Council. The Commission reviewed and approved the Chairman's draft letter to the Council covering the Commission's actions taken on the Council's six proposed Charter amendments. The letter to be typed and submitted promptly to the Council.

1. Approved a four year term for mayor together with the two consecutive term limitation.
2. Also approved a four year term for councilmembers with the same limitation.

3. Disapproved the conflict of interest proposal. The Commission voted to retain the existing provision. Experience indicates that there is a tendency to allege conflict in others and also a tendency to claim conflict to prevent or avoid voting on issues.

4. Disapproved the proposal of setting tax rate ceiling by initiative. The Commission feels that setting tax rates is a basic duty of the councilmembers and the mayor, one for which they should be fully responsible. It is feared that a lower tax rate will be demanded as a matter of course by initiative without regard for the consequences and without full information or consideration of public needs.

5. Approved deletion of the article on the public defender. However, the Commission requested that the proposal be submitted with other housecleaning amendments in the 1986 election.

6. Approved the recall proposal provided that the four year terms for elected officials is also approved.

Drafts. The Commission reviewed and discussed the drafts prepared by Mr. Belles on Article III - County Council, Sections 3.07 and 3.11.

Section 3.07. Organization of Council; Officers; Rules; Employees. Amended to read: The Council shall meet in the council room at the county building or in the Kauai War Memorial Convention Hall for its organization.....

Section 3.11. Adoption of Pay Plan. Amended to read:
....The council by ordinance shall fix the salaries of all department heads, officers and employees who are exempt from civil service. No department head shall receive a salary less than that of the highest paid civil service employee in the county. [in the department where the department head is employed.]
Other officers and

Proposed Charter Review Amendments. Chairman Shinsato requested each member to choose ten provisions as priority items from the selected proposed charter amendments and to list those provisions which would fall under 'housecleaning.'


Public Hearings. In readiness for the public hearings all proposed charter amendments to be in draft form; secure public hearing locations and arrange for the recording and sound equipment.

ANNOUNCEMENTS:

Next Meeting. The next meeting of the Charter Review Commission is scheduled for Monday, July 30, 1984 at 3 p.m. in the County Building Board Room.

Adjournment. The meeting adjourned at 4:30 p.m.

Respectfully submitted,


Arlene Octavio
Secretary to the Charter
Review Commission

CHARTER REVIEW COMMISSION
COUNTY OF KAUAI

Minutes of the Charter Review Commission meeting held on Monday, July 9, 1984 in the County Building Board Room.

CALL TO ORDER. The meeting was called to order by Chairman Morris S. Shinsato at 3:08 p.m.

Members present were: Mrs. Tamiko Asahi, Mr. Jack Bennington, Mr. Greg Kamm, Mr. Springwater Kaulili and Mr. Morris Shinsato. County Attorney Michael J. Belles was also present.

Absent and excused were: Mrs. Shirley Akita and Mr. Marcelino Francisco.

APPROVAL OF AGENDA. The agenda was approved by the Commission.

APPROVAL OF MINUTES. The minutes of the Commission's July 2, 1984 meeting were approved as circulated.

NEW BUSINESS:

Kauai Human Services Council. A proposal for a Human Resources Commission was presented to the Commission by four members of the Kauai Human Services Council. The representatives were: Mr. Roy Nishida, Kauai Economic Opportunity; Ms. Ellen Ching, Association for Retarded Citizens; Mr. John Bissell, Serenity House; Ms. Paula Ray June, YWCA, Women's Center. Mr. Nishida gave a brief outline and summary of the proposal as to structure, function and funding.

For the past six months the council has been examining the Senate Bill which was aimed at studying the idea of delegating human service responsibilities to the counties. The council has

Charter Review Commission Minutes of July 9, 1984 Meeting
Page 2

been looking for ways in which to consolidate all human services on Kauai hence providing better services with less overlap.

The Commission advised the representatives that the proposal would be looked into, but the chances of it appearing as an amendment were negligible. The Commission suggested that the council make themselves more visible by attending public hearings and to appear before the County Council.

The Commission reviewed the news release draft and it was recommended that copies be made available to the media as soon as possible.

ANNOUNCEMENTS:

Next Meeting. The next meeting of the Charter Review Commission is scheduled for Monday, July 16, 1984 at 3 p.m. in the County Building, Board Room.

Adjournment. The meeting adjourned at 5:38 p.m.

Respectfully submitted,



Arlene Octavio
Secretary to the Charter
Review Commission

CHARTER REVIEW COMMISSION
COUNTY OF KAUAI

Minutes of the Charter Review Commission meeting held on Monday, July 2, 1984 in the County Building Board Room.

CALL TO ORDER. The meeting was called to order by Chairman Morris S. Shinsato at 3:04 p.m.

Members present were: Mrs. Tamiko Asahi, Mr. Jack Bennington, Mr. Marcelino Francisco, Mr. Greg Kamm, Mr. Springwater Kaulili and Mr. Morris Shinsato.

Absent and excused was: Mrs. Shirley Akita. County Attorney Michael J. Belles was also absent.

APPROVAL OF AGENDA. The agenda was approved by the Commission.

APPROVAL OF MINUTES. The minutes of the Commission's June 25, 1984 meeting were approved as circulated.

NEW BUSINESS:

The Commission reviewed the following drafts prepared by Mr. Belles.

Article XVII - Dept. of Water
Article XIX - Financial Procedures
Article XXII - General Provisions
Article - Gifts

Article XVII - Department of Water

Section 17.03. Powers and Duties of the Board.

D. Have the power to acquire by lease, purchase, eminent domain

or otherwise, and to sell, lease, or otherwise convey real property, in the name of the Board of Water Supply. (i.e., The intent is that it be done in the name of the Board of Water Supply whether it's an acquisition or disposition.)

E. Have the authority to issue revenue bonds under the name of the Board of Water Supply. (i.e., The intent is not to restrict the board and also give the board authority to issue general obligation bonds without participation by county council.)

Article XIX - Financial Procedures

Section 19.19. Central Purchasing.

C.(2) The aggregate amount involved does not exceed \$4,000.00; however, any purchases or contracts involving sums between \$1,500.00 and \$4,000.00 shall be based on competitive bids which shall be in writing.

(5) All purchases made, pursuant to the exemptions contained in subsections (1) through (4) above, shall be recorded and made available as public information.

Article - Gifts. The Commission discussed the draft provision on gifts, however, no decision was made at the meeting. Mr. Belles to look up the Federal Statute.

Chairman Shinsato reported that he had been in touch with The Garden Island newspaper and they would be happy to give us space in the new Sunday edition. The Commission discussed the format to be used and it was suggested by one of the commissioners that with each amendment published the rationale underlying the proposed amendment be explained to encourage reader interest.

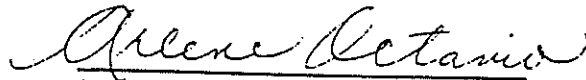
ANNOUNCEMENTS:

Next Meeting. The next meeting of the Charter Review Commission is scheduled for Monday, July 9, 1984 at 3 p.m. in the County Building, Board Room.

Charter Review Commission Minutes of July 2, 1984 Meeting
Page 3

Adjournment. The meeting adjourned at 4:58 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Arlene Octavio".

Arlene Octavio
Secretary to the Charter
Review Commission

CHARTER REVIEW COMMISSION
COUNTY OF KAUAI

Minutes of the Charter Review Commission meeting held on Monday, June 25, 1984 in the County Building Board Room.

CALL TO ORDER. The meeting was called to order by Chairman Morris S. Shinsato at 3:03 p.m.

Members present were: Mrs. Tamiko Asahi, Mr. Jack Bennington, Mr. Greg Kamm, Mr. Springwater Kaulili and Mr. Morris Shinsato. County Attorney Michael J. Belles was also present.

Absent and excused were: Mrs. Shirley Akita and Mr. Marcelino Francisco.

APPROVAL OF AGENDA. The agenda was approved by the Commission.

APPROVAL OF MINUTES. The minutes of the Commission's June 12, 1984 meeting were approved as circulated.

NEW BUSINESS:

Guest. Mr. Richard Nii was welcomed to the meeting by Chairman Shinsato. Mr. Nii made the following recommendations to the Charter.

1. No time limit on nonconforming uses.
2. Better coordination between the Tax Division, Planning Department and Building Division regarding the rates they charge.
3. An advisory board be set up to eliminate the inequities existing in the departments.
4. Authority to remove dilapidated or abandoned buildings for safety.

Charter Review Commission Minutes of June 25, 1984 Meeting
Page 2

5. The Master Plan should provide zoning for commercial, industrial and residential in all districts.
6. When the landowner feels harassed he can sue for damages against the unreasonable harasser.

A discussion followed between the commissioners concerning the issues raised by Mr. Nii. It was felt that no adequate provisions could be included within the Charter to satisfy the concerns of Mr. Nii.

The Commissioners reviewed and worked on the following drafts prepared by Mr. Belles. Mr. Belles will subsequently propose ballot language which contains specific questions to be voted on by the electorate.

Article III	-	County Council
Article VII	-	Mayor
Article	-	Recall
Article IX	-	Public Defender
Article XI	-	Police Department
Article XIV	-	Planning Department

Article VII - MAYOR

Section 7.01. Election and Term of Office. The electors of the county shall elect a mayor whose term of office shall be ~~(two years)~~ four years beginning at twelve o'clock meridian on the ~~(second day of January)~~ first working day in December following his election. (i.e., first working day in December to avoid a 'lame duck' period.)

Article . - RECALL

Section ____ .01. Recall Procedure.A petition demanding that the question of removing such official be submitted to the voters shall be filed with the county clerk. Such petitions

shall be signed by currently registered voters numbering not less than twenty percent (20%) of the voters registered in the last general election. (i.e., To clearly express intent that person signing petition need not have voted in the last general election, but, rather, the 20% standard only represents total number of signatures actually required for a petition to be certified as sufficient by the county clerk.)

Section ____ .03. Signatures.and is believed to be the genuine signature of the person whose name it purports to be, and that each signer understood (the nature of the) it to be a recall petition of a specific elected officer. (i.e., It is intended that separate petition is required for an elected official who is the subject of a recall petition. Further it is not necessary that person signing the recall petition fully understands all legal ramifications and requirements of the petition. Rather, it is simply intended that signer understands that petition calls for recall of an elected officer.

Section ____ .06. Recall Election. If a recall petition or supplemental petition shall be certified by the clerk to be sufficient, he shall (at once) promptly notify in writing the officer sought to be recalled of such action. If the official whose removal is sought does not resign within five (5) days after mailing of such notice, the clerk..... (i.e., To ensure that subject of recall receives actual notice of recall petition as soon as possible.)

Mr. Belles was asked to draft provisions for the next meeting. (e.g. disaster, financial procedures, eminent domain, initiative and referendum and gift.)

As the Commission's first priority, it was suggested by Chairman Shinsato, that they concentrate and work on the larger issues in readiness for the November, 1984 ballot. Later, the Commission could work on the housecleaning issues which they could submit to the county council as proposals for future elections.

Charter Review Commission Minutes of June 25, 1984 Meeting
Page 4

ANNOUNCEMENTS:

Next Meeting. The next meeting of the Charter Review Commission is scheduled for Monday, July 2, 1984 at 3 p.m. in the County Building, Board Room.

Adjournment. The meeting adjourned at 5:00 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Arlene Octavio". The signature is written in dark ink and is positioned above the printed name.

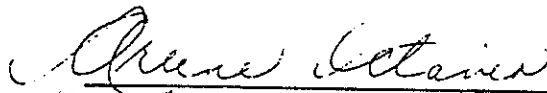
Arlene Octavio
Secretary to the Charter
Review Commission

CHARTER REVIEW COMMISSION
COUNTY OF KAUAI

Minutes of the Charter Review Commission meeting held
on Monday, June 18, 1984 in the County Building Board Room.

CALL TO ORDER. The meeting was called to order by
Chairman Morris S. Shinsato at 3:00 p.m. The meeting was
adjourned at 3:01 p.m. due to lack of a quorum.

Respectfully submitted,



Arlene Octavio
Secretary to the Charter
Review Commission

CHARTER REVIEW COMMISSION
COUNTY OF KAUAI

Minutes of the Charter Review Commission meeting held on Tuesday, June 12, 1984 in the County Building Board Room.

CALL TO ORDER. The meeting was called to order by Chairman Morris S. Shinsato at 3:15 p.m.

Members present were: Mrs. Shirley Akita, Mrs. Tamiko Asahi, Mr. Marcelino Francisco, Mr. Greg Kamm, Mr. Springwater Kaulili and Mr. Morris Shinsato. County Attorney Michael J. Belles was also present.

Absent and excused was: Mr. Jack Bennington.

APPROVAL OF AGENDA. The agenda was approved by the Commission.

APPROVAL OF MINUTES. The minutes of the Commission's June 4, 1984 meeting were approved as circulated. The minutes of the Commission's May 15, 16 and 17, 1984 public hearings were also approved as circulated.

NEW BUSINESS:

Guest. Mr. James Kurita, Director of Economic Development was welcomed to the meeting by Chairman Shinsato. Mr. Kurita had no recommendations for the department of Economic Development. However, Mr. Kurita recommended that the title for the Administrative Assistant in the Mayor's office be changed to Managing Director, and that the position should be more clearly defined as to qualifications, powers and duties.

In response to a question regarding the establishment of a new department called Human Services, which would encompass Economic Development, Mr. Kurita feels that Economic Development should stand on its own and not be included.

Council-Initiated Charter Amendments. A letter was received from the county council dated June 8, 1984 outlining the council's proposed amendments to the Charter. The Commission discussed and voted on some of the council's proposed amendments. Mrs. Paula Morikami, councilmember, joined the meeting during the discussion.

Mrs. Shirley Akita moved that the Mayor's term of office be increased to four years with two consecutive term limit with recall, and that the councilmember's term of office be increased to four years with no term limitation with recall. The motion was seconded by Mr. Marcelino Francisco and carried.

It was moved by Mr. Greg Kamm that the conflict of interest provision be used as adopted by the voters on November 2, 1976 (see Section 20.04.B.). The motion was lost for lack of a second.

It was moved by Mrs. Shirley Akita that the existing provision of conflict of interest be retained (see Section 20.04.B.) as adopted by the voters on November 4, 1980. The motion was seconded by Mr. Springwater Kaulili and carried.

It was suggested that the provision for recall include some type of identification or social security number.

Mr. Greg Kamm reported on attending a meeting conducted by the Kauai Human Services Council. The council is examining the Senate Bill which was aimed at studying the idea of delegating human service responsibilities to the counties. The council is still at the study stage so that no firm recommendation was ready for the Charter, but they were advised it was desirable to have something ready by July 15, 1984 for the Commission.

Mr. Greg Kamm also reported that he had been in touch with Peter Wolf, publisher of The Kauai Times. Mr. Wolf indicated a very strong willingness to provide (what seemed to be) 'free' space in his newspaper.

Charter Review Commission Minutes of June 12, 1984 Meeting
Page 3

A request was made to Chairman Shinsato for a provision to the Charter covering a substitute candidate in the event the candidate dies between the primary and general election. Chairman Shinsato stated that election laws are controlled by State Statute (11-118) which supersedes the Charter. An explanation of the Statute was given by Mr. Belles to the commissioners.

Chairman Shinsato gave a recap of the proposed amendments which have been discussed frequently and selected by the Commission for inclusion in the Charter.

Mr. Belles to start drafting provisions for the next meeting, e.g., four year term for mayor and councilmember, recall, etc.


At the next meeting the Commission will review specific sections and wording for amendment to the Charter.

ANNOUNCEMENTS:

Next Meeting. The next meeting of the Charter Review Commission is scheduled for Monday, June 18, 1984 at 3 p.m. in the County Building, Board Room.

Adjournment. The meeting adjourned at 5:15 p.m.

Respectfully submitted,



Arlene Octavio
Secretary to the Charter
Review Commission

CHARTER REVIEW COMMISSION
COUNTY OF KAUAI

Minutes of the Charter Review Commission meeting held on Monday, June 4, 1984 in the County Building Board Room.

CALL TO ORDER. The meeting was called to order by Chairman Morris S. Shinsato at 3:07 p.m.

Members present were: Mrs. Shirley Akita, Mrs. Tamiko Asahi, Mr. Greg Kamm, Mr. Springwater Kaulili and Mr. Morris Shinsato.

Absent and excused were: Mr. Jack Bennington and Mr. Marcelino Francisco. County Attorney Michael J. Belles was also absent.

APPROVAL OF AGENDA. The agenda was approved by the Commission.

APPROVAL OF MINUTES. The minutes of the Commission's May 29, 1984 meeting were approved as amended.

NEW BUSINESS:

Guest. Ms. Eleanor Lloyd, Executive on Aging, Office of Elderly Affairs was welcomed to the meeting by Chairman Shinsato. Ms. Lloyd elaborated on Mr. Springwater Kaulili's letter to the Commission dated May 17, 1984. Ms. Lloyd said the Office of Elderly Affairs would like to be included in the Charter.

Issues discussed were:

- Establishment of the director's position.
- Function of the Policy Council.
- Establishment of new department called Human Services which would encompass Office of Elderly Affairs.

Charter Review Commission Minutes of June 4, 1984 Meeting
Page 2

Ms. Lloyd to send a written provision to the Commission covering her recommendations to the Charter.

Guest. Mr. Eugene Jimenez, Housing Administrator was welcomed to the meeting by Chairman Shinsato. Mr. Jimenez gave a brief summary of the organizational structure and functions of the housing agency. Mr. Jimenez feels that the housing agency's operations are significant enough to warrant inclusion into the Charter.

Other issues discussed were:

- Establishment of administrator's position.
- Staff -- salaries and benefits.
- Establishment of a department called Human Services which would encompass the housing agency.

Mr. Jimenez recommends a four year term for Mayor and County Council.

Guest. Mr. Elmer Muraoka, Deputy Director of Finance was welcomed to the meeting by Chairman Shinsato. The following issues were discussed:

- Inequities of tax assessments.
- Appeals -- backlog.
- Benchmarking.
- Property assessment system fashioned after the motor vehicle licensing.

Charter Review Commission Minutes of June 4, 1984 Meeting
Page 3

It was recommended by Chairman Shinsato that it would be desirable to have a system for establishing benchmark values that be kept current to avoid successful appeals and outrage by the general public.


At the next meeting the Office of Economic Development will be represented. There will also be a review of the proposed Charter amendments.

ANNOUNCEMENTS:

Next Meeting. The next meeting of the Charter Review Commission is scheduled for Tuesday, June 12, 1984 at 3 p.m. in the County Building, Board Room.

Adjournment. The meeting adjourned at 4:55 p.m.

Respectfully submitted,


Arlene Octavio
Secretary to the Charter
Review Commission

CHARTER REVIEW COMMISSION
COUNTY OF KAUAI

Minutes of the Charter Review Commission meeting held on Tuesday, May 29, 1984, in the County Building Board Room.

CALL TO ORDER. The meeting was called to order by Chairman Morris S. Shinsato at 3:07 p.m.

Members present were: Mrs. Shirley Akita, Mr. Jack Bennington, Mr. Greg Kamm, Mr. Springwater Kaulili and Mr. Morris Shinsato. County Attorney Michael J. Belles was also present.

Absent and excused were: Mrs. Tamiko Asahi and Mr. Marcelino Francisco.

APPROVAL OF AGENDA. The agenda was approved by the Commission.

APPROVAL OF MINUTES. The minutes of the Commission's May 21, 1984 meeting were approved as circulated.

NEW BUSINESS:

Charter Amendments on Ballot. Members agreed that individual items should be voted on as opposed to 'blanket' voting on all Charter amendments. Members recommended that Charter questions be placed first on the ballot to avoid voter apathy or indifference.

Guest. Mr. Ryan Jimenez, Prosecuting Attorney was welcomed to the meeting by Chairman Shinsato. Mr. Jimenez recommended the following changes to the Charter.

Section 22.01. Definitions.
D.(4) Amend to read: Deputies of the
county attorney and prosecuting attorney.

Section 9.A.03. E. Delete. [Draw all indictments and attend
before.....of the prosecuting attorney.]

Charter Review Commission Minutes of May 29, 1984 Meeting
Page 2

Other issues discussed:

- Comparison of salaries with counterparts on other islands.. Mr. Jimenez to send a copy of the salary schedules for Hawaii and Maui to the Commission.
- Recruitment of personnel.

Guest. Mayor Tony Kunimura was welcomed to the meeting by Chairman Shinsato. A letter was circulated from the Mayor which outlined his views on proposed revisions and amendments to the Charter. The Mayor summarized and elaborated on the recommended changes which are:

1. Provision needed to avoid a "lame duck" administration. The Mayor attached a high priority to this provision.
2. More equitable pay for nonelected officials.
3. Add more reasonable provisions relating to impeachment of county officials. i.e., Increase number of signatures required on verified petition for impeachment.
4. The county should explore the feasibility of establishing boards and commissions to oversee the administration of existing facilities, i.e., golf and sewer.
5. Insert provision in Charter providing for just compensation for condemnation cases and providing for vested rights.
6. A) Establishment of "Preservation Districts" in the county which districts may only be amended by initiative and referendum.

B) Establish greater limitations on variances from height and density requirements.
7. Limit authority of council to utilize unappropriated surplus. Control indebtedness to county by concessionaires.

Charter Review Commission Minutes of May 29, 1984 Meeting
Page 3

The Mayor recommended that we retain two year terms for both mayor and county council.

The Mayor agrees with the provision that would give the mayor authority to declare a local state of disaster, providing that we do not violate the constitutional rights of an individual, i.e., a man's home is his castle.

Mayor Kunimura would like to see a department set up called Human Services.

The commissioners discussed the inequities of department head salaries. Mr. Belles to get a copy of salary ordinance with complete amendments.

At the next meeting the following departments will be re-presented:

Real Property Tax Division
Office of Elderly Affairs
Housing
Office of Economic Development.


There will also be a review of the proposed Charter amendments.

ANNOUNCEMENTS:

Next Meeting: The next meeting of the Charter Review Commission is scheduled for Monday, June 4, 1984 at 3 p.m. in the County Building, Board Room.

Adjournment. The meeting adjourned at 5:01 p.m.

Respectfully submitted,


Arlene Octavio
Secretary to the Charter
Review Commission

CHARTER REVIEW COMMISSION
COUNTY OF KAUAI

Minutes of the Charter Review Commission meeting held on Monday, May 21, 1984, in the County Building Board Room.

CALL TO ORDER. The meeting was called to order by Chairman Morris S. Shinsato at 3:06 p.m.

Members present were: Mrs. Shirley Akita, Mrs. Tamiko Asahi, Mr. Jack Bennington, Mr. Marcelino Francisco, Mr. Greg Kamm, Mr. Springwater Kaulili and Mr. Morris Shinsato. County Attorney Michael J. Belles was also present.

APPROVAL OF AGENDA. The agenda was approved by the Commission.

APPROVAL OF MINUTES. The minutes of the Commission's May 14, 1984 meeting were approved as circulated.

NEW BUSINESS:

Guests. Mr. Avery Youn, Planning Director; Mr. Tom Shigemoto, Deputy Planning Director; and Mr. Rick Tsuchiya Administrative Officer of the Planning Department were welcomed to the meeting by Chairman Shinsato.

A letter was circulated from Mr. Robert Preston, Chairman of the Planning Commission, which outlined the recommended changes to the Charter. The Planning Department is in concurrence with these changes which were summarized and elaborated upon by Mr. Youn. The recommended changes are:

Section 14.03 Duties and Functions of the Planning Commission.
Delete F. [Prepare a Capital Improvement Program with the advice of the mayor, complementing and reflecting the State and Federal programs for the county.]

Charter Review Commission Minutes of May 21, 1984 Meeting
Page 2

Section 14.05 Powers, Duties and Functions of Director.
Amend D. to read: Consolidate the list of proposed capital improvements contemplated by the several departments [in] and review the order of their priority for the county for consistency with the directions and objectives of the County General Plan and Development Plans.

Section 14.09 Subdivision or Consolidation of Land.
Amend B. to read: After the enactment of the ordinance governing subdivisions or consolidation of land, no land may be subdivided unless the proposed subdivision plans are in conformity with the subdivision ordinance and regulations and have been approved by the Planning [Commission] Director; provided however that decisions of the Planning Director may be appealed to the Planning Commission.

Other issues discussed:

- Should the Planning Director serve on the Water Board?
Mr. Youn stated that the Planning Department works closely with the Water Board and could not see any advantage serving on the board at this time.
- Ohana zoning.
- Dedication requirements.

Guests. Mr. Jerome Hew, County Clerk and Mr. Charles Shimomura, Deputy County Clerk were welcomed to the meeting by Chairman Shinsato.

Mr. Hew discussed those provisions of the Charter which affect the operations of the County Clerk, particularly as they relate to the conduct of elections and election procedures.

Charter Review Commission Minutes of May 21, 1984 Meeting
Page 3

Section 7.02 Qualifications.
Delete the word 'resident' to read:
..... qualified elector of the county for at
least 3 years.....

Section 7.06 Vacancy in Office.
Amend A. (2) to read:The special primary
election shall be called by the Council and
held within [forty-five (45)] 60 days after
the occurrence of the vacancy, of which the
first fifteen days be allotted for filing of
nomination papers and the remaining 45 days
to administer the election. The special
general election shall be held [thirty]
forty-five days after the special primary
election.

OPTION--no special primary election--follow
Maui's Charter provision for time and cost
savings.

Section 1.05 Initiative and Referendum Petition.
Amend A. (4) to read: Each signature on the
petition shall be followed by the name
(printed), the place of residence, and social
security number of the person signing.

CONSIDER--Initiative and Referendum.

- Specify the County Clerk should prepare
ballot question.
- Should question be for a YES or NO type
answer in place of present FOR or AGAINST
format contained in Section 1.07 D.

Other issues discussed:

- Who should pay for a 'special' election regarding
zoning procedures? Should the individual who wants
a speedy answer pay?

Charter Review Commission Minutes of May 21, 1984 Meeting
Page 4

- Should limits be set on initiatives and referendums?
- Hanapepe and Kilauea hearings. How can interest be generated from the public?

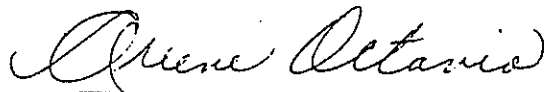
A general discussion followed on how the Commission would handle all the accumulated issues and what guidelines would be used. All members were requested to begin listing those amendments that are deemed necessary and also to begin establishing priorities among those amendments selected.

ANNOUNCEMENTS:

Next Meeting. The next meeting of the Charter Review Commission is scheduled for Tuesday, May 29, 1984 at 3 p.m. in the County Building, Board Room.

Adjournment. The meeting was adjourned at 4:45 p.m.

Respectfully submitted,



Arlene Octavio
Secretary to the Charter
Review Commission

PUBLIC HEARING

MAY 17, 1984

A public hearing of the Charter Review Commission of the County of Kauai was called to order by Mr. Jack Bennington, member of the Charter Review Commission, at the Kilauea Senior Citizens Center, Kilauea, Kauai on Thursday, May 17, 1984 at 7:04 p.m. after which the following answered the call of the roll:

Mr. Jack Bennington
Mrs. Tamiko Asahi
Mr. Marcelino Francisco
Mr. Springwater Kaulili

Mr. Michael Belles, County Attorney was also present at the hearing.

Mr. Bennington announced that he was conducting the hearing, as the Commission's Chairman Mr. Morris Shinsato, was guest speaker that evening before the League of Women Voters. Mr. Bennington gave an introduction as to the philosophy and purpose of the Charter, and indicated that the public hearings were for the purpose of soliciting comments from the public on any recommended revisions or amendments to the Charter.

The hearing proceeded as follows:

Mr. Henry Gomes: Expressed concern about high property taxes and tax assessments. Property owners are paying too much, and property taxes are too high for people on fixed incomes. Taxes should be reduced for elderly or those residents who have no intention of selling their property. The state is interfering too much with what the county should have authority over. Property owners pay taxes to the county, but if they wish to subdivide or get approval for changes, such as ag or urban, they must go to the state. Authority should be put in the right place.

Charter Review Commission Hearing of May 17, 1984
Page 2

Mr. Gerald Motoyama: Taxes are too high. Feels that if the county needs more revenue there should be a flat tax.

Mr. Larry Wharton: Raised the question if the county has considered contracting services out. User fees were discussed.

Mrs. Beryl Blaich: Raised two points which she would like to see covered in the Charter.

- Vested interest. In cases where members have a conflict of interest--they should be required to abstain. The Charter should make clear guidelines as to what constitutes a conflict of interest.
- Representation of council. Feels that not all council candidates should run at large. There should be five council districts and two districts at large.

Mr. Belles expressed that because people are talking repeatedly about the high costs in government, and people do want fiscal restraints, perhaps one possible solution would be to implement a system like the one in the Maui Charter called the Cost of Government Control Commission. This would be the philosophical approach.

There being no further testimony, the hearing was adjourned at 8:20 p.m.

Respectfully submitted,



Arlene Octavio
Secretary to the Charter
Review Commission

PUBLIC HEARING

MAY 16, 1984

A public hearing of the Charter Review Commission of the County of Kauai was called to order by Chairman Morris S. Shinsato in the County Council Chambers, Lihue, Kauai on Wednesday, May 16, 1984 at 7:00 p.m. after which the following answered the call of the roll:

Mr. Morris S. Shinsato, Chairman
Mrs. Shirley Akita
Mrs. Tamiko Asahi
Mr. Marcelino Francisco
Mr. Greg Kamm
Mr. Springwater Kaulili

Mr. Michael Belles, County Attorney was also present at the hearing.

The chair gave a brief outline of some of the issues for amendment and revision to the Charter, which have been discussed by the Charter Review Commission.

The hearing proceeded as follows:

Mr. John Souza: Mr. Souza is in favour of a strong mayor and believes the term of office should be four years. A four year term would be cheaper for the taxpayers. A two year term is enough for a councilman. In response to a question from the chair, in regards to limiting the number of terms, Mr. Souza replied, "Let him stay there until he dies." He'll have more experience and ideas the longer he stays in office. Mr. Souza also agreed it was a good idea that the date for terms of office be changed to the first Monday in December following the election.


Mr. Larry Carlson: Expressed concern that at the time of Hurricane Iwa, Kauai had to wait too long for the governor to declare a state of disaster. This should be a duty of the mayor in this community to make the decision. In response to a question from the chair about setting up a contingency fund for more than the present \$500 in the case of an emergency, Mr. Carlson agreed that the fund should be increased. Responding to another question from the chair, Mr. Carlson was in agreement to a provision that would give legal authority to "seal off" areas and remove homeowners who refuse to leave their homes or insist on returning. When the homeowner is in danger or a dangerous situation exists, the homeowner should be removed from his home and the area. We have to protect their lives.

Reverend Michael Michael: Taxes should be used for the good of the general public. A lot of duplication in the county and state functions and perhaps these could be combined to become more effective and more efficient with less cost to both levels of government.

Mr. Frank Warther: It is vital that the county protect the votes of all citizens and in no way connect money to an election, or be influenced just by those who can afford to pay for a special election to get what they want. Elections should be paid for out of the general fund.

There being no further testimony, the hearing was adjourned at 7:45 p.m.

Respectfully submitted,


Arlene Octavio
Secretary to the Charter
Review Commission

PUBLIC HEARING

MAY 15, 1984

A public hearing of the Charter Review Commission of the County of Kauai was called to order by Chairman S. Shinsato, at the Hanapepe Recreation Center, Hanapepe, Kauai on Tuesday, May 15, 1984 at 7:15 p.m. after which the following answered the call of the roll:

Mr. Morris S. Shinsato, Chairman
Mrs. Tamiko Asahi
Mr. Jack Bennington
Mr. Marcelino Francisco
Mr. Greg Kamm
Mr. Springwater Kaulili

Mr. Michael Belles, County Attorney was also present at the hearing.

The chair announced that the hearing had been called for the purpose of soliciting comments from the public on recommended revisions and amendments to the Kauai County Charter.

The hearing proceeded as follows:

Ms. Gwen Hamabata: Expressed concern about the reallocation of positions within the police department and new positions not covered in the county budget. The police department appears to be top heavy in management and not enough police officers. Referred to the West Side where only three police officers patrol on one watch between Knudsen Gap and Poli Hale. Generally expressed concern about re-allocation process and authority of Director of Personnel Services. Concern was also expressed on the county budget and method of taxation. Alarmed by the higher tax assessments--the people of Kauai could be taxed out of their homes. Also stated that as private enterprises grow and taxes increase there is an actual decrease in county services.

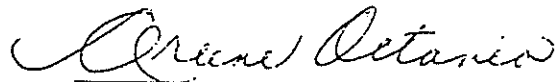
Mr. Tom Okura: Expressed concern on government spending and wants government expenditures controlled. Government should put controls on property tax. Exemptions are not enough on property assessment. Kauai doesn't benefit from excise tax. County should get taxation from the right source. County gives too many handouts to recreation facilities. Expressed sentiment that only one progressive provision in the Charter would be a pleasure.

Mr. Tom Godby: In response to inquiry by Mr. Godby about the functions and purposes of Charter Review process, Mr. Shinsato responded with an outline of the amendments and provisions being looked into. Some were: changing the date of terms of elected officials from January 2 following the election to the first Monday in December; competitive bidding--raising from \$500 to \$2,500. Mr. Godby expressed that the people should pay for fair share of services.

The commission expressed an interest in controlling expenditures and maintaining a lid on the budget. Also expressed an interest in user fees, such as refuse and emergency rescue.

There being no further testimony, the hearing was adjourned at 8:50 p.m.

Respectfully submitted,



Arlene Octavio
Secretary to the Charter
Review Commission

CHARTER REVIEW COMMISSION
COUNTY OF KAUAI

Minutes of the Charter Review Commission meeting held on Monday, May 14, 1984, in the County Building Board Room.

CALL TO ORDER. The meeting was called to order by Chairman Morris S. Shinsato at 3:05 p.m.

Members present were: Mrs. Shirley Akita, Mrs. Tamiko Asahi, Mr. Jack Bennington, Mr. Marcelino Francisco, Mr. Greg Kamm, Mr. Springwater Kaulili and Mr. Morris Shinsato. County Attorney Michael J. Belles was also present.

APPROVAL OF AGENDA. The agenda was approved by the Commission.

APPROVAL OF MINUTES. The minutes of the Commission's May 7, 1984 meeting were approved as circulated.

NEW BUSINESS:

Letters to Community Organizations. A list of organizations which received letters from the Commission soliciting comments on Charter amendments was circulated. Additional letters to be sent to: Republican Party, Democratic Party, Hawaii State Teachers Association, Hawaii Government Employees' Association, Hawaii Federation of Teachers, Rehabilitation Unlimited Kauai (RUK) and United Public Workers.

Guest. Mrs. Cecilia Ramones, Director of Finance was welcomed to the meeting by Chairman Shinsato. A letter from Mrs. Ramones was circulated with recommended changes to the Charter. Mrs. Ramones summarized and elaborated on the changes as outlined in her letter. The recommended changes are:

Section 19.19 Centralized Purchasing

- A. & B.: Include provision reflecting that the Division of Purchasing is the centralized purchasing agency. Delete subsection 19.19B.

Charter Review Commission Minutes of May 14, 1984 Meeting
Page 2

- C. (2): Revise to read as follows:
"The aggregate amount involved does not exceed \$8,000; however, any purchases or contracts involving sums between \$2,500 and \$8,000 shall be based on competitive bids which shall be in writing."

It was also recommended that the Charter be amended to provide that members of boards and commissions may be compensated.
(See Section 22.02L.)

The following topics were discussed:

- Problems meeting budget deadlines.
- Short term investments.
- User fees. Perhaps fees could be charged for the use of neighborhood centers.

Guest. Mr. Raymond Sato, Manager and Chief Engineer of the Water Department was welcomed to the meeting by Chairman Shinsato. Mr. Sato summarized and elaborated upon the recommended changes to the Charter as outlined in his handout concerning the Department of Water.

- Section 17.02. Definitions.
- Section 17.03. Board of Water Supply Organization.
Planning Director should be on Board.
- Section 17.04. Powers and Duties of the Department.
Add the word 'develop' to read:
"The department shall develop, manage, control and operate the waterworks of the county....."
- Section 17.05 Powers and Duties of the Board.
Delete A.2. "Have the authority to create and abolish positions."

Charter Review Commission Minutes of May 14, 1984 Meeting
Page 3

- Incorporate provisions similar to those contained in the City and County of Honolulu Charter relative to the authority of Water Department to exercise power of eminent domain and the authority to issue bonds.

Other topics discussed were:

- Comparison in costs with water boards of other islands.
- Comparison of personnel costs with other islands.
Mr. Sato to send copy of report to the Commission.
- Kauai's water table. No shortage of water with present population.

Guest. Mr. William Enoka, Jr., Fire Captain, Fire Department, was welcomed to the meeting by Chairman Shinsato. There were no recommendations for changes to the Charter. The following topics were, however, discussed:

- Charges for services, such as rescue missions.
- Combining the Fire Department and Police Department.
Captain Enoka recommended against the consolidation.

Guest. Mr. Richard Sheldon, Acting Chief of Police, was welcomed to the meeting by Chairman Shinsato. Chief Sheldon summarized his recommendations for changes in the Charter.

- Define more clearly the powers, duties and functions between the police commission and the police chief.
- Delete provisions requiring county to operate jail.

Chief Sheldon recommended against combining the Fire Department with the Police Department.

Other issues discussed:

- Chairman Shinsato recommended equal compensation for all department heads.

Charter Review Commission Minutes of May 14, 1984 Meeting
Page 4


Public Hearings. It was recommended that at least four commissioners should attend each hearing. Mr. Bennington will conduct the hearing in Kilauea in the absence of Mr. Shinsato who will be guest speaker before League of Women Voters concerning the Charter.

ANNOUNCEMENTS:

Next Meeting: The next meeting of the Charter Review Commission is scheduled for Monday, May 21, 1984 at 3 p.m. in the County Building, Board Room.

Adjournment. The meeting was adjourned at 4:58 p.m.

Respectfully submitted,


Arlene Octavio
Secretary to the Charter
Review Commission

CHARTER REVIEW COMMISSION
COUNTY OF KAUAI

Minutes of the Charter Review Commission meeting held on Monday, May 7, 1984, in the County Building Board Room.

CALL TO ORDER. The meeting was called to order by Chairman Morris S. Shinsato at 3:05 p.m.

Members present were: Mrs. Tamiko Asahi, Mr. Marcelino Francisco, Mr. Greg Kamm, Mr. Springwater Kaulili and Mr. Morris S. Shinsato.

Absent and excused were: Mrs. Shirley Akita and Mr. Jack Bennington. County Attorney Michael J. Belles was also absent.

APPROVAL OF AGENDA. The agenda was approved by the Commission.

APPROVAL OF MINUTES. The minutes of the Commission's April 30, 1984 meeting were approved as amended.

NEW BUSINESS:

Guest. Mr. Herbert T. Doi, Director of Personnel Services was welcomed to the meeting. Mr. Doi referred to his letter submitted earlier. He also referred to the Hawaii Supreme Court case of HGEA v. Maui County which held that charter provisions cannot change state civil service laws. Mr. Doi recommends no changes be made in the Charter regarding the Personnel Department.

Mr. Doi was questioned on methods of controlling the number of positions and personnel costs including reallocation procedures. Reallocation may change a department's cost without action by the Council or Mayor. Mr. Doi stated that duties change over the years and reallocation is necessary. Reallocations approved by him require no further approval, but denials may be appealed to the Civil Service Commission.

Mr. Doi stated that much of the duties of the Civil Service Commission have been superseded by collective bargaining contracts. Asked about inclusion of equal rights and affirmative action provisions in the Charter, Mr. Doi stated this was federal law and requires no mention in the Charter.

The Commission expressed an interest in maintaining a stability in the number of county employees and personnel costs.

Guest. Mr. Valentine K. Hataishi, Director of the Liquor Control Department was welcomed to the meeting. Mr. Hataishi said he was satisfied with the Charter provisions for the department and made no recommendations for changes. The following topics were, however, discussed.

- Powers and duties of the Commission. e.g. how violations are handled.
- If the word "modify" might be added to Section 16.04 B. to read "Grant, modify, refuse, suspend and revoke any licenses....." i.e., a license could be extended or changed.
- Licenses - retailer and dispenser.
- Spending all the revenues strictly for liquor regulations. Excessive fees and demand for return.
- Differences in setup among the various liquor divisions.
- Proposed bill on penalizing liquor sold to a minor.

Guest. Mr. Clay Kagawa, Deputy County Engineer, Department of Public Works was welcomed to the meeting. The following topics were discussed.

- A separate department for parks and recreation.
- The golf course becoming a semiautonomous operation.
- User fees for refuse and sewer. Should refuse users pay the county a collection fee?
- Refuse to energy.
- Centralized landfill.


Chairman Shinsato told Mr. Kagawa that the Commission would welcome any written comments or suggestions for the Charter from the Department of Public Works.

ANNOUNCEMENTS:

Next Meeting. The next meeting of the Charter Review Commission is scheduled for Monday, May 14, 1984 at 3 p.m. in the County Building, Board Room.

Adjournment. The meeting was adjourned at 4:43 p.m.

Respectfully submitted,


Arlene Octavio
Secretary to the Charter
Review Commission

CHARTER REVIEW COMMISSION
COUNTY OF KAUAI

Minutes of the Charter Review Commission meeting held on Monday, April 30, 1984, in the County Building Board Room.

CALL TO ORDER. The meeting was called to order by Chairman Morris S. Shinsato at 3:04 p.m.

Members present were: Mrs. Shirley Akita, Mrs. Tamiko Asahi, Mr. Jack Bennington, Mr. Marcelino Francisco, Mr. Greg Kamm, Mr. Springwater Kaulili and Mr. Morris S. Shinsato. County Attorney Michael J. Belles was also present.

APPROVAL OF AGENDA. The agenda was approved by the Commission.

APPROVAL OF MINUTES. The minutes of the Commission's April 23, 1984 meeting were approved as circulated.

NEW BUSINESS:

Personnel. Mrs. Arlene Octavio has accepted the position as secretary to the Charter Review Commission and was welcomed by Chairman Shinsato.

Communications Received. A letter was circulated to the members from Mr. Herbert T. Doi, Director of Personnel Services stating that all the present provisions contained in the Charter and in the Hawaii Revised Statutes are adequate. Mr. Doi enclosed a copy of the Hawaii State Supreme Court Decision No. 6524 dated March 22, 1978 which was also circulated.

A letter was received from Jeremy Harris, Chairman, Intergovernmental Relations Committee requesting a time extension for the Council's comments on the Charter. Mr. Belles was asked to make a response.

Also circulated was a letter from Mr. Cayetano Gerardo, Administrator of Kauai Civil Defense containing recommended changes to the Charter.

Charter Review Commission Minutes of April 30, 1984 Meeting
Page 2

Guest. Mr. Cayetano Gerardo, Administrator of Kauai Civil Defense attended the meeting and was welcomed by the Chairman. Mr. Gerardo summarized and elaborated upon the recommended changes to the Charter as outlined in his letter.

- (1) The authority to declare a local state of emergency by the Mayor/Deputy Director of State Civil Defense.
- (2) Provisions to give legal authority to "seal off" areas of impending danger due to disaster situations or upon occurring or current situations which require the evacuation of people from the area.
- (3) The reorganization of the agency to include preparation/response/coordination of emergency situations (fashioned after FEMA).

Civil Defense also recommended that a provision be set up for a special disaster contingency account which would be used only upon a local declaration of disaster by the Mayor. This account would be separate from the General Fund account. In response to a question from one of the commissioners, Mr. Gerardo indicated that the two most critical revisions would be: the authority to declare a local state of emergency by the Mayor and the contingency fund.

A proposed ordinance with changes was submitted to the Council by Civil Defense and the Commission will receive a copy. Mr. Belles was asked to obtain copies of the 1983 Annual Report for each of the Charter members. Mr. Belles to make a draft for Civil Defense covering: contingency funds, power to control an emergency, and control of movement of people and equipment.

Invitations. It was suggested that other departments be invited to attend the meetings for their recommendations and input. It was decided that the next three meetings the following departments would attend.

May 7, 1984	Water Dept. Liquor Commission Personnel
May 14, 1984	Planning Finance
May 21, 1984	Mayor's Office Fire Dept. Police Dept.

Terms of Elected Officials. The terms begin January 2 following the election. It was suggested by Chairman Shinsato that this date might be changed to the first Monday in December following the election. The Charter states that the initial meeting shall be held in the Council Chambers. It was suggested that this might be changed to the Convention Hall. Also suggested a change of date from January 2 for the meeting.

Dept. of Personnel Services. Reference was made to merit and civil service as interchangeable and it was suggested that something might be put in the Charter such as Equal Opportunities even though it's a federal law.

Cost of Government Control Commission. It was suggested by Chairman Shinsato that a committee such as in the Maui Charter called the Cost of Government Control Commission be set up to try and control expenditures and maintain a lid on the budget. A separate organization (not including county personnel) to establish reasonable controls. Commissioners agreed and asked those members with expertise to look into it to see what could be done.

Letters to Organizations. Letters to be sent to various organizations for their comments on changes within the Charter either by attending the meetings or writing. Organizations mentioned were: Kauai Golf Assn., Senior Citizens, Chamber of Commerce, League of Women Voters, Women's Center, Hawaii Hotel Assn., Hawaii Visitors Bureau, Poipu and Princeville Resorts Assns., Save Nukolii Committee, Kauaians for Nukolii and Thousand Friends. Mrs. Octavio will sign the letters on behalf of the Charter Review Commission. If members can think of any other organizations to write get in touch with Mrs. Octavio.

Public Meetings. The three public meetings have been confirmed as to time and place.


Tuesday, May 15, 1984 - Hanapepe Recreation Center, Hanapepe
Wednesday, May 16, 1984 - County Council Chambers, Lihue
Thursday, May 17, 1984 - Kilauea Senior Citizens Center,
Kilauea

ANNOUNCEMENTS:

Next Meeting: The next meeting of the Charter Review Commission is scheduled for Monday, May 7, 1984 at 3 p.m. in the County Building, Board Room.

ADJOURNMENT. The meeting was adjourned at 4:43 p.m.

Respectfully submitted,


Arlene Octavio
Secretary to the Charter
Review Commission

CHARTER REVIEW COMMISSION
COUNTY OF KAUAI

Minutes of the Charter Review Commission meeting held on Monday, April 23, 1984, in the County Building Board Room.

CALL TO ORDER. The meeting was called to order by Chairman Morris S. Shinsato at 3:06 p.m.

Members present were: Mrs. Shirley Akita, Mrs. Tamiko Asahi, Mr. Jack Bennington, Mr. Marcelino Francisco and Mr. Morris S. Shinsato. County Attorney Michael J. Belles was also present.

Absent and excused were: Mr. Greg Kamm and Mr. Springwater Kaulili.

APPROVAL OF AGENDA. The agenda was approved by the Commission.

APPROVAL OF MINUTES. The minutes of the Commission's April 16, 1984 meeting was approved as circulated.

NEW BUSINESS:

Personnel and Equipment Requirements. The Commission members were informed that Mrs. Arleen Octavio was interested in the position of secretary to the Commission and she was in attendance at this meeting to get an idea of what occurs at the Commission meetings.

Public Meetings. Chairman Shinsato questioned if the Commission should meet with the public only after the revisions were drafted. It was suggested that the Commission should obtain input from the public prior to drafting the revisions. The Commission members agreed with the suggestion. It was decided that the Commission would hold three public meetings and the meetings were scheduled for the following dates, times and places:

Tuesday, May 15, 1984, at 7 p.m., at the Hanapepe Recreation Center (for the West side residents).

Wednesday, May 16, 1984, at 7 p.m., at the County Council Chambers in Lihue (for the Lihue-Kapaa residents).

Thursday, May 17, 1984, at 7 p.m., at the Kilauea Senior Citizens Center in Kilauea (for the North Shore residents).

Charter Review Commission Minutes of April 23, 1984 Meeting
Page 2

Mr. Belles was asked to get the public meeting notices out some time next week.

Overview and Orientation. Chairman Shinsato recapped some of the important issues discussed last week and continued with the preliminary overview of the present Charter.

Powers of the County - all powers necessary and not otherwise prohibited by law.

County Council - number, districting and terms; counting days for publication of ordinances and resolutions.

Executive Branch - length of terms.

Personnel - position count that does not vary whether times are good or bad so that the number of employees does not fluctuate; establish a Cost of Government Commission similar to that existing on Maui.

Police - define and more clearly delineate the duties of the Police Commission and the Police Chief.

Planning and Public Works Departments - will both come forward later with their suggestions.

Department of Water - semiautonomous and self-supporting. Mr. Belles was asked to obtain information from the Department of Water as to how they operate and their water rates as compared with the other Water Departments throughout the State. The Department raised their water rates in July, 1983 and the comparison charts they prepared at that time would suffice.

Civil Defense - the agency's powers and lack of powers should be expanded. The Mayor should have the power to declare an emergency.

Financial Procedures - Capital Program: The Planning Commission prepares the Capital Improvement Program while the Department of Public Works implements the projects.

Centralized Purchasing: Any purchase costing over \$500.00 has to be advertised for competitive bidding. Finance Department always wants changes here but it never passes. The public should be made aware that a lot of wasted time and money is involved in this provision.

Charter Review Commission Minutes of April 23, 1984 Meeting
Page 3

Code of Ethics - reference was made to Councilwoman Paula Morikami's letter relating to conflicts of interest.

The Board of Ethics reviews disclosure statements and renders opinions on possible conflicts of interest. It was noted that there are no sanctions that can be imposed by the Board of Ethics.

Special Assessment Improvements - Kauai has never had an improvement district.

General Provisions - Title to Property: Regarding gifts given to the County. This provision should be clarified and a practical approach should be established.

Impeachment of Officers: Takes too little to initiate impeachment proceedings--a verified petition for impeachment signed by only 100 registered voters. The number should be raised. Also if the defendant is cleared from the charges maybe the County should pay the costs for the attorney hired to defend the individual.

The remainder of the present Charter consists of amendments to the Charter. It was suggested by the Chairman that each amendment to the Charter should list the year the amendment was made.

Prosecuting Attorney - only office with a 4-year term.

General Plans and Development Plans - adopted by ordinance which require two readings while these plans were previously adopted by resolutions which required only one reading.

Disclosure - Some appointees object to disclosures. Mainly the provision that any debt over \$5,000.00 must be disclosed.

Boards and Commissions - Members of boards and commissions serve for three-year terms. No member can serve for more than two consecutive terms (six years). State law prohibits a person from serving on two boards or commissions at the same time.

Charter Review Commission Minutes of April 23, 1984 Meeting
Page 4

Initiative and Referendum - Initiative and referendum powers do not extend to the operating or capital budgets, taxes, salaries and personnel matters.

Deadline for the filing of a petition - time period is too short. It should be extended to at least four months.

Department of Public Works - Chairman Shinsato talked to the County Engineer who suggested that the position title should be changed to Director of Public Works.

Chairman Shinsato informed the Commission members that at next week's meeting they will go through each section more carefully.

ANNOUNCEMENTS:

Next Meeting. The next meeting of the Charter Review Commission is scheduled for Monday, April 30, 1984, at 3 p.m., in the County Building, Board Room.

ADJOURNMENT. The meeting was adjourned at 4:58 p.m.

CHARTER REVIEW COMMISSION
COUNTY OF KAUAI

Minutes of the Charter Review Commission meeting held on Monday, April 16, 1984, in the County Building Board Room.

CALL TO ORDER. The meeting was called to order by Mr. Morris S. Shinsato at 3:04 p.m.

Members present were: Mrs. Shirley Akita, Mrs. Tamiko Asahi, Mr. Jack Bennington, Mr. Marcelino Francisco, Mr. Springwater Kaulili and Mr. Morris S. Shinsato. Mr. Greg Kamm arrived at 3:19 p.m.

Mr. Shinsato informed the Commission members that the objectives of the Commission is-to make selected revisions to the County Charter.

Timetable. Mr. Jerome Hew, County Clerk, was called to the meeting to explain the time limitations in preparing the Charter revisions. Mr. Hew stated that a deadline date for the final draft and format should be set for September 1, 1984. The reason being that the final draft has to be sent to Honolulu and translated into Ilocano and Japanese and printed.

Mr. Shinsato suggested that the Commission establish September 1, 1984 as the date that the final draft should be ready for interpretation and printing.

APPROVAL OF AGENDA. The agenda was approved by the Commission.

NEW BUSINESS:

Election of Officers. It was moved, seconded and unanimously carried that Mr. Morris S. Shinsato and Mr. Greg Kamm be elected Chairman and Vice Chairman, respectively.

Operating Budget. Mr. Michael J. Belles, County Attorney, informed the Commission that the County Council has advanced \$2,500.00 to the Commission for supplies and operating expenses. A budget will be submitted to the Mayor once it is finalized.

Personnel and Equipment Requirements. The Clerk's Office has loaned a typewriter and the Council Office has loaned a tape recorder to the Commission. The remaining item is the hiring of a secretary for the Commission and she would work out of the County Attorney's Office. Mr. Belles checked with

Mr. Herbert Doi, Personnel Director, and it was decided that the salary rating for the secretary should be SR-16G paying \$9.20 per hour because she would only be working part time and she would not receive any other benefits. For the first two months she would probably only work on Mondays because the work to be done could be accomplished in eight hours. Later there would be public hearings, so she might have to work about two days a week. The Chairman stated that it would be extremely difficult to find someone for only eight hours per week; maybe 16 hours would be more reasonable.

Mr. Belles obtained an employment eligibility list from the Department of Personnel Services and 11 of the 12 individuals on the list are already employed. He also checked with the instructors at the Kauai Community College for any possibilities. Mr. Belles was asked to give a progress report by next week about the secretary position.

Review of Draft Letters. The Commission reviewed the letters which were drafted by the Chairman and it was agreed that the letters were well done. It was also agreed that the deadline date for submittal of responses to the Commission should be brought up to May 15, 1984 instead of June 1, 1984. Also since the budget for the Commission has not been finalized, it was suggested that the budget portion (third paragraph) of the letter to the Mayor be deleted and instead insert a sentence informing the Mayor that a budget will be submitted at a later date.

It was suggested that these letters go out as soon as possible.

OVERVIEW AND ORIENTATION. The Chairman explained that the Commission will have a better idea of the type of review they will be working on once they get responses from the departments. The Chairman stated that he called several department heads and the revisions they had in mind were not extensive.

Some suggestions that were made during a preliminary overview of the present Charter were:

Geographical limits - high water mark or additional territory?

Referendum - that a letter be sent to the Save Nukolii Committee and the Kauaians For Nukolii asking for their comments on the referendum article.

Disaster - that the Mayor should have the authority to declare a disaster and be able to close schools, public facilities, etc.

Gender and Number - that a gender and number provision be included in the Charter.

County Council - a two-year residency requirement can no longer be justified; no provision for counting days in the Charter; two- or four-year terms?

Department of Finance - bid amount defeated every time; limitations on amounts that require competitive bidding.

Planning Department - discretion of the Planning Director.

Department of Water - should the Department of Water continue to be semiautonomous? It was suggested that the same approach should be used in other County departments that bring in money, i.e. the Wailua Golf Course and the Sewers Division.

ANNOUNCEMENTS:

Next Meeting. It was suggested that the Commission continue with the overview of the present Charter at its next meeting scheduled for Monday, April 23, 1984, at 3 p.m. in the County Building, Board Room. Vice Chairman Greg Kamm asked to be excused from next week's meeting because he will be off-island.

Adjournment. The meeting was adjourned at 5:05 p.m.

October 22, 1984

Honorable Tony T. Kunitura
Mayor, County of Kauai
4396 Rice Street
Lihue, Hawaii 96766

Mister Mayor:

Re: Final Report

We have submitted an Interim Report detailing the fifteen charter amendments that are to be presented to the electorate at the 1984 General Election. This Final Report contains the suggestions submitted to the Charter Review Commission by the various County agencies and departments that are not included in the fifteen proposals. Included also are "housecleaning" suggestions to update the Charter by eliminating obsolete sections and clarifying ambiguous sections of the Charter.

One of the objections to the proposed charter amendments proposals is that the fifteen proposals are too much to consider at one time. The housecleaning proposals are forwarded with the intent that the Council may submit them with its own resolutions without the expense of a charter review commission. The number submitted at one time may also be better regulated than by engaging in a complete revision every ten years.

Honorable Tony T. Kunitura

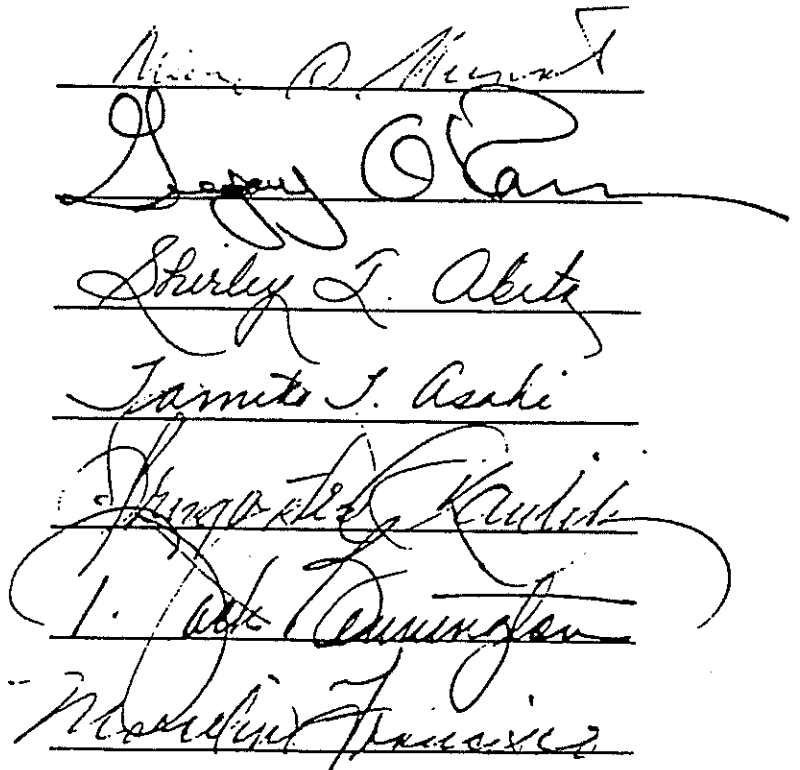
- 2 -

October 22, 1984

The task remaining is to inform as many voters as possible about the reasons for the proposals and to urge each voter to vote on each proposal. Obviously, without the generous help of The Garden Island, Kauai Times, Station KUAI, Station KIPO and others, our efforts to communicate would be but a whisper in the wilderness of apathy. We thank them.

Thank you for your support of our efforts.

Very truly yours,


The block contains seven handwritten signatures, each written on a horizontal line. From top to bottom, the signatures are: 1. A signature that appears to be 'Alice P. M...' with a large '5' written to the right. 2. A signature that appears to be 'L. Olan'. 3. A signature that appears to be 'Shirley L. Abate'. 4. A signature that appears to be 'Tamara J. Asahi'. 5. A signature that appears to be 'Katherine K...' with a large flourish. 6. A signature that appears to be 'L. W. Cunningham'. 7. A signature that appears to be 'Marilyn Francis'.

:A

Enclosures

cc: Raymond P. Duvauchelle,
Council Chairman
Jerome Y.K. Hew,
County Clerk

MISCELLANEOUS RECOMMENDED
HOUSECLEANING MEASURES

ARTICLE III

COUNTY COUNCIL

* * *

Section 3.06. Compensation. The salary of each councilman and chairman shall be (\$7,200.00 per annum, except that the chairman shall receive an additional sum of \$900.00 per annum.) set by ordinance. The council may change the salaries of councilmen and chairman by ordinance, but no increase shall be effective during the term in which an increase is enacted No ordinance changing the salaries of councilmen shall be enacted during the last ninety (90) days of a term.

* * *

ARTICLE III

COUNTY COUNCIL

* * *

Section 3.07. Organization of Council; Officers; Rules; Employees.

A. The council shall meet in the council room at the county building for its organization promptly after its inauguration and swearing-in ceremony at which time it shall elect one of its members as chairman and presiding officer of the council. Until such time as the chairman is elected, the mayor shall preside at the council meetings, provided that the mayor shall not have a vote. The council shall also elect one of its members as vice-chairman who shall act as the presiding officer in the event of the chairman's absence. The council shall appoint a presiding officer pro tempore from its members in the event of the absence of both the chairman and vice-chairman. A majority of the entire membership of the council shall constitute a quorum and, except as otherwise provided, the affirmative vote of a majority of the entire membership shall be necessary to take any action. The chairman and vice-chairman of the council shall serve at the pleasure of the council.

* * *

ARTICLE III

COUNTY COUNCIL

* * *

Section 3.07. Organization of Council; Officers; Rules; Employees.

* * *

F. Council Staff. The council may appoint the necessary personnel for the transaction of its business[,]. [and such appointments shall be subject to the civil service and classification requirements.]

The chairman of the council shall be the administrative officer for the staff employees.

* * *

ARTICLE III

COUNTY COUNCIL

* * *

Section 3.17. Investigation.

* * *

False swearing by any witness shall constitute perjury and be punished as such, and whenever the council is satisfied that a witness has sworn falsely in any hearing or investigation, it shall report same to the **{county attorney}** prosecuting attorney. **{for prosecution.}** In any investigation which concerns the alleged gross misconduct or alleged criminal action on the part of any individual, such individual shall have the right to be represented by counsel, the right of reasonable cross-examination of witnesses and the right to process of the council to compel the attendance of witnesses in his behalf.

* * *

ARTICLE IV

ORDINANCES AND RESOLUTIONS

Section 4.01. Actions of the Council. Every legislative act of the council shall be by ordinance except as otherwise provided. Non-legislative acts of the council may be by resolution. (Transfer of funds within the same department, whether in the operating budget or capital budget, may be effected by resolution.) The enacting clause of every ordinance shall be "Be it ordained by the council of the county of Kauai:" and the enacting clause of every resolution shall be "Be it resolved by the council of the county of Kauai:"

* * *

ARTICLE IV

ORDINANCES AND RESOLUTIONS

* * *

Section 4.02. Introduction, Consideration and Passage of
Ordinances and Resolutions.

* * *

F. Bills embracing (1) the fixing of special assessments for the cost of improvements, (2) the appropriation of public funds or the authorization of the issuance of general obligation bonds or (3) the imposition of a duty or penalty on any person, shall pass first reading by ayes and noes, and digests of such bills shall be advertised once in a newspaper of general circulation in the county, at least ~~(seven)~~ five days before final reading by the council. Copies of such bills shall be filed for use and examination by the public in the office of the county clerk at least seven days prior to the final reading thereof.

* * *

ARTICLE IV

ORDINANCES AND RESOLUTIONS

* * *

Section 4.02. Introduction, Consideration and Passage of
Ordinances and Resolutions.

* * *

G. Upon request of a majority of the council, a public hearing shall be held on any proposed ordinance or resolution. Notice of the public hearing shall be by publication in a newspaper of general circulation in the county, and the public hearing shall be held (not earlier than seven) at least five days prior to the final reading on the proposed ordinance or resolution.

* * *

I. Ordinances and resolutions shall take effect on the date specified therein, or, in the absence of such specification, upon approval thereof by the mayor as to ordinances and the date of adoption as to resolutions.

* * *

ARTICLE IV

ORDINANCES AND RESOLUTIONS

* * *

Section 4.02. Introduction, Consideration and Passage of Ordinances and Resolutions.

* * *

J. If any provision of any ordinance or resolution or the application thereof to any person or circumstances, is held invalid, the remainder of the ordinance or resolution, or the application of the provision to other persons or circumstances, shall not be affected thereby.

* * *

ARTICLE IV

ORDINANCES AND RESOLUTIONS

* * *

Section 4.02. Introduction, Consideration and Passage of Ordinances and Resolutions.

* * *

K. Resolution authorizing proceedings in eminent domain shall [not be acted upon the date of introduction, but shall be laid over for at least fourteen (14) days before adoption.] pass first reading by ayes and noes, and such resolutions shall be advertised once in a newspaper of general circulation in the county at least [fourteen (14)] seven (7) days before final adoption by the council. Copies of such resolutions shall be filed for use and examination by the public in the office of the county clerk at least [fourteen (14)] seven (7) days prior to the adoption thereof. A copy of the resolutions shall be forwarded by the clerk to the title holders of the property to be condemned. Upon adoption, every such resolution shall be presented to the mayor, and he may approve or disapprove it pursuant to applicable provisions governing the approval or disapproval of bills.

* * *

ARTICLE IV

ORDINANCES AND RESOLUTIONS

* * *

Section 4.02. Introduction, Consideration and Passage of
Ordinances and Resolutions.

* * *

M. Emergency Ordinances. To meet.....

(1) Every emergency ordinance shall be plainly designated as such and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the claimed emergency in clear and specific terms. Except as thus indicated, it shall be introduced in the form and manner prescribed for ordinances generally. An emergency ordinance may be considered and may be adopted with or without amendment or rejected at the meeting at which it is introduced. The {affirmative} majority vote of all council members present, {or the affirmative vote of three-fourths of those elected,} shall be required for adoption of such an ordinance. After adoption of an emergency ordinance, the council shall cause it to be printed and published as prescribed for other adopted ordinances.

* * *

ARTICLE IV

ORDINANCES AND RESOLUTIONS

* * *

Section 4.05. Codification of Ordinances.

A. ~~(Within two years of the effective date of this charter,~~
The council shall cause a code to be prepared and published, contain-
ing all of the ordinances of the county which are appropriate for
continuation as law. Such a code shall be prepared and published
at intervals of at least every ten years ~~(thereafter)~~. The code may
be prepared by the county attorney, or the council may contract for
its preparation by professional persons or organizations experienced
in the revision and codification of ordinances or statutes.

* * *

ARTICLE VI

EXECUTIVE BRANCH

* * *

Section 6.02. Organization. {Except as otherwise provided, within six months after the effective date of this charter,} The mayor shall recommend and the council shall by ordinance {adopt} keep current an administrative code providing for a complete plan of administrative organization of the executive agencies of the county government consistent with the provisions of this charter. Upon recommendation of the mayor, and only upon such recommendation the council may, by a majority vote, {of five members,} change, abolish, combine or rearrange the executive agencies of the county government.

New functions may be assigned.....

* * *

ARTICLE VI

EXECUTIVE BRANCH

* * *

Section 6.04. Appointment and Removal of Officers and Employees.

* * *

B. Department heads may appoint the necessary staff for which appropriations have been made by the council. Department heads may ~~{also suspend, discharge or discipline subordinate employees}~~ take all personnel actions as may be ~~{necessary}~~ desirable for the proper conduct of the departments ~~{and}~~ subject to the classification and civil service laws.

ARTICLE VI

EXECUTIVE BRANCH

* * *

Section 6.05. Powers and Duties of Heads of Executive Agencies.

A. Subject to [the provisions of this charter and] applicable law, [regulations adopted thereunder,] the heads of the executive agencies of county government are empowered to assign and reassign duties, supervise, manage and control all employees. [and shall have the power and duty to make all personnel actions as provided by law.]

B. Each head of an executive agency of county government may, subject to the approval of the [mayor,] appointing authority, prescribe such rules as are [necessary] desirable for the organization and internal administration of the respective executive agencies.

ARTICLE VII

MAYOR

* * *

Section 7.02. Qualifications. Any citizen of the United States not less than thirty (30) years of age who has been a duly qualified {resident} elector of the county for at least three years immediately prior to his election shall be eligible for election to the office of mayor. Upon removal of his residence from the county, the mayor shall by that fact be deemed to have vacated his office.

* * *

ARTICLE VII

MAYOR

* * *

Section 7.03. Compensation. The salary of the mayor shall be
[\$19,000.00 per annum which shall be subject to change by the
council] set by ordinance. The salary of any incumbent shall be
reduced only in the event that a general reduction in salaries of
all county officers and employees is simultaneously effected.

* * *

ARTICLE VII

MAYOR

* * *

Section 7.05. Powers, Duties and Functions.

* * *

C. Create positions authorized by the council and for which appropriations have been made, or abolish positions, but a monthly report of such actions shall be made to the council. No employee, full-time, part-time, temporary or contractual, shall be hired unless there is a funded position available or specifically requested by the mayor and approved by the council.

* * *

I. In addition to the annual report, make (periodic) quarterly reports informing the public as to county policies, programs and operations through the news media.

* * *

ARTICLE VII

MAYOR

* * *

Section 7.06. Vacancy in Office.

A. A vacancy in the office of mayor shall be filled for the remainder of the unexpired term in the following manner:

* * *

(2)The special primary election shall be called by the council and held within ~~forty-five (45)~~ sixty (60) days after the occurrence of the vacancy, of which the first fifteen (15) days be allotted for filing of nomination papers and the remaining forty-five (45) days to administer the election. The special general election shall be held ~~thirty (30)~~ forty-five (45) days after the special primary election.

OPTION: No special primary election--follow Maui's charter provision for time and cost savings.

ARTICLE VIII

COUNTY ATTORNEY

* * *

Section 8.04. Powers, Duties and Functions. The county attorney shall be the chief legal adviser and legal representative of all agencies, including the council, and of all officers and employees in matters relating to their official powers and duties, and he shall represent the county in all legal proceedings. (He shall also be the chief prosecuting officer of the county and shall prosecute offenses against the laws of the State and the ordinances and regulations of the county. He shall perform all other services incident to his office as may be required by law.)

* * *

ARTICLE IX

{PUBLIC DEFENDER}

{Section 9.01. Counsel for Defense. Any person accused of any felony or misdemeanor under the laws of the State or the county shall be entitled to representation or assistance by counsel. The council may by ordinance establish a system to provide counsel for the defense of any person accused of any crime who is financially unable to afford his own counsel.}

(Intent is to delete entire agency possibility. Currently the Public Defender is a private undertaking.)

ARTICLE X

DEPARTMENT OF FINANCE

* * *

Section 10.04. Powers, Duties and Functions.

* * *

D. Prepare for the mayor for submission to the council a quarterly financial statement of all {receipts and disbursements} funds in sufficient detail to show the {exact} financial condition of the county {and a general projection of financial conditions for the remainder of the fiscal year}.

* * *

ARTICLE XIII

DEPARTMENT OF PUBLIC WORKS

Need for a lay commission review or ultimate appeal body which would deal with engineering. Perhaps the board could deal with all the Public Work's issues and be expanded to include building permits and engineering.

ARTICLE XIV

PLANNING DEPARTMENT

* * *

Section 14.03. Duties and Functions of the Planning Commission.

* * *

[F. Prepare a capital improvement program with the advice of the mayor, complementing and reflecting the State and Federal programs for the county.]

* * *

Justification: This is an administrative function. The Commission's function here should be advisory in nature and is covered under paragraph A of Section 14.03.

ARTICLE XIV

PLANNING DEPARTMENT

* * *

Section 14.05. Powers, Duties and Functions of Director.

* * *

D. Consolidate the list of proposed capital improvements contemplated by the several departments (in) and review the order of their priority [for the county] for consistency with the directions and objectives of the county general plan and development plans.

* * *

Justification: This revision is recommended to refine the role of the Planning Department in the formulation of the County's Capital Improvement Program by including General Plan and Development Plan considerations.

ARTICLE XV

DEPARTMENT OF PERSONNEL SERVICES

Include provision pertaining to Equal Employment Opportunities
even though it's a Federal law.

ARTICLE XVI

LIQUOR CONTROL COMMISSION

* * *

Section 16.04. Powers and Duties of Commission.

* * *

B. Grant, modify, refuse, suspend and revoke any licenses
for the manufacture, importation and sale of liquors.

(i.e., a license could be extended or changed.)

* * *

ARTICLE XVII

DEPARTMENT OF WATER

* * *

Section 17. . Definitions. The terms "department" and "board" as used in this article of the charter shall have the following meaning:

A. "Department" shall mean the governmental unit known as the "board of water supply" unless the context indicates otherwise.

B. "Board" shall mean the policy-making body consisting of seven members of the board of water supply.

* * *

Section 17. . Powers and Duties of the Department. The department shall develop, manage, control and operate the waterworks of the county and all property thereof for the purpose of supplying water to the public, and shall collect, receive, expend and account for all sums of money derived from the operation thereof and all other moneys and property provided for use or benefit of such waterworks.

A. The department shall maintain account to show its financial status and the results of management and operation.

ARTICLE XVII

DEPARTMENT OF WATER

* * *

Section 17.03. Powers and Duties of the Board.

A. The board of water supply shall: [manage, control and operate
..... and property provided for the use of benefit of such
waterworks.]

[A. The board shall maintain..... management and operation.]

(1) Appoint and remove the manager and chief engineer of the
department. He shall be a registered engineer who shall have had
a minimum of five years of training and experience in waterworks
activities or related fields, at least three years of which shall
have been in a responsible administrative capacity.

(2) Determine the policy for construction, additions, extensions
and improvements to the water systems of the county.

* * *

ARTICLE XVII

DEPARTMENT OF WATER

* * *

Section 17.03. Powers and Duties of the Board.

* * *

D. Have the power to acquire by lease, purchase, eminent domain or otherwise, and to sell, lease, or otherwise convey real property, in the name of the board of water supply.

E. Have the authority to issue revenue bonds under the name of the board of water supply.

* * *

ARTICLE XIX

FINANCIAL PROCEDURES

* * *

Section 19.19. Centralized Purchasing.

* * *

(B. There shall be a standardization committee composed of three members. The mayor shall appoint two members, each of whom shall be from a separate department. The third member shall be a representative of the department of finance who shall serve as chairman of the committee. The committee shall classify all materials, supplies, equipment commonly used by the various departments, offices or agencies of the county and shall prepare and adopt standards and specifications for such materials, supplies and equipment.)

* * *

ARTICLE XXI

SPECIAL ASSESSMENT IMPROVEMENTS

Section 21.01. Improvements by Special Assessments. The **council** county shall enact the provisions **of** Section 146-130 to 146-171 of the Revised Laws of Hawaii 1955, as amended, with the exception of Section 146-167, as a county ordinance. **)** applicable to the County of Kauai relative to public improvements by assessment as set forth in Chapter 67, Hawaii Revised Statutes, as amended, as a county ordinance, together with such supplementary provisions as may be appropriate. No changes, however, shall be made by the council regarding any matter under the control of the board of water supply without the prior approval of its board. Exemptions from special assessments and reimbursement of costs to the county shall be as provided by law.

ARTICLE XXII

GENERAL PROVISIONS

Section 22.01. Definitions.

* * *

D. The term "officer" shall include the following:

(4) Deputies of the county attorney and the
prosecuting attorney.

* * *

ARTICLE IXA

PROSECUTING ATTORNEY

* * *

Section 9A.03. Powers, Duties and Functions.

* * *

[E. Draw all indictments and attend before and give advice to the grand jury whenever cases are presented to it for its consideration. Nothing herein contained shall prevent the conduct of proceedings by private counsel before all courts of the State under the direction of the prosecuting attorney.]

* * *

ARTICLE 22

INITIATIVE AND REFERENDUM

* * *

Section 1.05. Initiative and Referendum Petition; Form and Sufficiency.

A. For immediate acceptance of the petition, the clerk of the council shall require reasonable compliance with the following:

* * *

(4) Each signature on the petition shall be followed by the name (printed), ~~(and)~~ the place of residence and the social security number of the person signing.

* * *

September 6, 1984

Honorable Tony T. Kunimura
Mayor, County of Kauai
Honorable Raymond P. Duvauchelle
Chairman, Kauai County Council
4396 Rice Street
Lihue, Hawaii 96766

Gentlemen:

Re: Interim Report of Your Charter Review Commission

Attached are the fifteen (15) proposed charter amendments together with the corresponding ballot questions to be submitted to the electorate at the General Election. The actual texts of the amendments, together with the ballot wording, are shown.

We have held three public hearings to listen to amendment ideas before we considered any amendments. Three public hearings were held after a tentative list of amendments was drafted. Everyone wishing to contribute was welcomed to attend our weekly meetings. Those who appeared were given unrestricted time to expound on their ideas. Despite our cordial invitation the public stayed away by the thousands.

Permit us to elaborate on a few of the amendments:

1. We adopted your suggestions of four-year terms for the Mayor and Councilmembers. We changed the Council proposal by

September 6, 1984

eliminating the two consecutive terms limitation for the Council. The public is apathetic if not hostile to four-year terms. However, we feel that longer terms will lessen the need for officials to campaign continuously from election to election and allow more time to do the work of government. There is a need to convince the public that it is not rascality that moves people to run for public office.

2. The commencement date for the assumption of office on the first working day in December following the election will be separate from the four-year term amendment. If approved, the amendment will take away one month of retirement credit for those elected in the 1984 election. Pay adjustments will be made if the first working day in December is not the first day of the month.

3. The age of thirty and three-year residency qualifications for the Mayor will be eliminated. This will eliminate the conflicts between the qualifications for Mayor and Councilmembers.

4. The department heads intended to be affected by the proposed amendment to set their pay at not less than the highest paid civil service employee are the departments cited in the Charter. They are the County Attorney, Prosecuting Attorney, Finance, Police, Fire, Public Works, Planning, Personnel and Water Departments.

5. The amendment empowering the Mayor to declare a disaster area for Kauai is intended to authorize speedy local action where the effects of a disaster are mainly local. The declaration is joined with the power to exercise emergency measures as authorized under Chapter 128, HRS.

September 6, 1984

The Council will be required to set aside a disaster fund of \$50,000 on reserve. The intent is to have the Council write in the conditions of the fund expenditures and provide the funds before a disaster strikes.

6. Prior proposals set \$2,500 as the amount under which purchases may be made without competitive bidding rather than the existing \$500. We have reduced the figure from \$2,500 to \$1,500. We are informed that often it costs more than \$500 to write the specifications for a \$500 item.

7. The proposed amendment that evoked the most discussion is the Cost Control Commission. The responses ranged from wholehearted support to strong opposition.

The amendment is proposed in response to a wide-spread complaint that government is too costly. The intent is to create a reasonable review body of residents to seek government efficiency while providing an adequate level of public services.

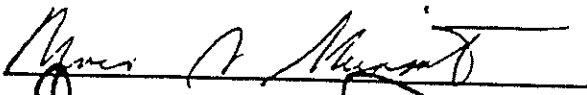

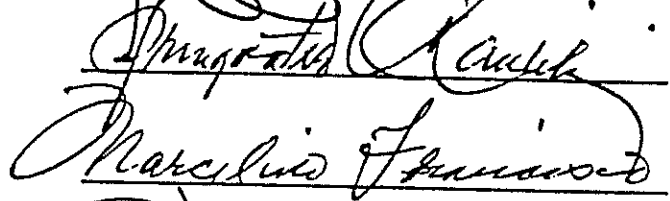
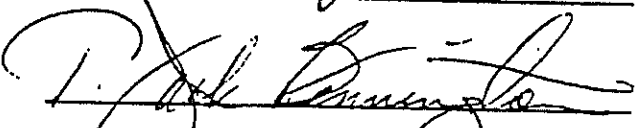
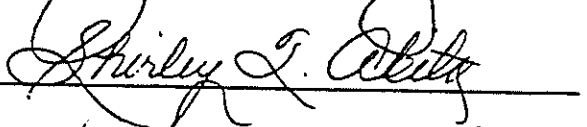
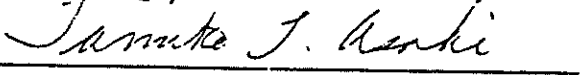
In addition to the fifteen (15) charter amendments, we will submit a list of other amendments worthy of consideration, together with other house-cleaning amendments in our final report.

We submit that each amendment merits a thoughtful consideration by our voters. We wish to thank the press and radio for the helpful publicity given us. Were it not for their help we would have been like coal miners at work as viewed from the surface. It certainly was never our intention to undermine anything. We thank you too for your excellent support.

Honorable Tony T. Kunimura -4-

September 6, 1984

Very truly yours,

:A

cc: Jerome Y.K. Hew

Enclosures

September 6, 1984

1984 CHARTER AMENDMENTS (FINAL DRAFT)

On the amendments contained in this pamphlet
all material to be deleted is bracketed and
all new material to be added is underscored.

ARTICLE III
COUNTY COUNCIL

Section 3.03. Terms. The terms of office of ~~(councilmen)~~
councilmembers shall be for ~~(two)~~ four years beginning at twelve
o'clock meridian on the ~~(second day of January)~~ first working
day in December following their election.

ARTICLE III
COUNTY COUNCIL

Section 3.07. Organization of Council; Officers; Rules; Employees. The council shall meet in the council room at the county building or in the Kauai War Memorial Convention Hall for its organization promptly after its inauguration and swearing-in ceremony at which time it shall elect one of its members as chairman and presiding officer of the council. Until such time as the chairman is elected, the mayor shall preside at the council meetings, provided that the mayor shall not have a vote. The council shall also elect one of its members as vice-chairman who shall act as the presiding officer in the event of the chairman's absence. The council shall appoint a presiding officer pro tempore from its members in the event of the absence of both the chairman and vice-chairman. A majority of the entire membership of the council shall constitute a quorum and, except as otherwise provided, the affirmative vote of a majority of the entire membership shall be necessary to take any action.

ARTICLE III
COUNTY COUNCIL

Section 3.11. Adoption of Pay Plan. The council by ordinance shall fix the salaries of all department heads, officers and employees who are exempt from civil service. No department head shall receive a salary less than that of the highest paid civil service employee in the county. All other officers and employees shall be classified and paid in accordance with law.

ARTICLE IV
ORDINANCES AND RESOLUTIONS

Section 4.03. Submission of Ordinances to the Mayor.

* * *

B. If any bill is presented to the mayor appropriating money, he may veto any textual section, item or items, portion or portions thereof, or appropriations therefor by striking out or reducing the same. In case of such a veto, the mayor shall append to the bill at the time of signing it a statement of the textual section, item or items, or portion or portions thereof to which he objects and the reasons therefor. Each item so vetoed may be reconsidered by the council in the same manner as bills which have been disapproved by the mayor.

ARTICLE VII

MAYOR

Section 7.01. Election and Term of Office. The electors of the county shall elect a mayor whose term of office shall be ~~(two)~~ four years beginning at twelve o'clock meridian on the ~~(second day of January)~~ first working day in December following his election. The mayor may serve for more than two terms of office but he shall not serve for more than two consecutive full terms of office.

ARTICLE VII

MAYOR

Section 7.02. Qualifications. Any citizen of the United States {not less than thirty (30) years of age} who {has been} is a duly qualified resident elector of the county {for at least three years immediately prior to his election} shall be eligible for election to the office of mayor. Upon removal of his residence from the county, the mayor shall by that fact be deemed to have vacated his office.

ARTICLE XI
POLICE DEPARTMENT

Section 11.01. Organization. There shall be a police department consisting of a police commission, a chief of police and the necessary staff.

Section 11.02. Police Commission. The police commission shall consist of five members appointed by the mayor with the approval of the council. The commission shall hold regular public meetings at a designated time and place.

Section 11.03. General Powers of the Commission. [The commission shall adopt necessary rules and regulations pertaining to the functions of the department and shall execute such other duties and powers as may be provided by law.] The police commission shall:

A. Adopt such rules as it may consider necessary for the conduct of its business and the regulations of matters relating to the goals and aims of the department.

B. Review the annual budget prepared by the chief of police and may make recommendations thereon to the mayor.

C. Receive, consider and investigate charges brought by the public against the conduct of the department or any of its members

and submit a written report of its findings to the chief of police within ninety days.

D. Refer all matters relating to administration of the department to the chief of police.

E. Adopt such rules to regulate political activities of the members of the police department.

Section 11.04. Chief of Police. The chief of police shall be appointed by the police commission. (and) He may be removed by the police commission only after being given a written statement of the charges against him and a hearing before the commission. The chief of police shall have had a minimum of five years of training and experience in law enforcement, at least three years of which shall have been in a responsible administrative capacity. He shall make such reports from time to time as the commission shall require, and shall annually make a report to the commission of the state of affairs and condition of the police department.

Section 11.05. Powers, Duties and Functions. The chief of police shall be the administrative head of the police department and shall:

A. Be responsible for the preservation of the public peace, prevention of crime, detection and arrest of offenders against the law, preservation of life, protection of the rights of persons and property, and enforcement and prevention of violations of law.

B. Train, equip, maintain and supervise the force of police officers. (pursuant to the rules and regulations enacted by the commission)

(C. Take charge of and keep the county jail and all prisoners committed thereto.)

C. Be responsible for traffic safety and traffic safety education.

D. Serve process both in civil and criminal proceedings.

E. (Have) Perform such other (powers and) duties as may be (prescribed) required by law or as may be assigned by the commission.

F. Promulgate rules and regulations necessary for the organization and internal administration of the department.

Section 11.06. Discipline and Removal. (The chief of police shall have the power to discipline or remove any officer or employee pursuant to the rules and regulations enacted by

the commission.} The dismissal, suspension, or demotion of any police officer or employee in the police department shall be under procedures set forth by civil service laws and regulations.

Section 11.07. Appeals.

{A. Any officer or employee of the police department removed or suspended may, within ten days after service of the order of removal or suspension upon him, apply to the commission for a review of the case.}

{(1) Upon receipt of any application for a review, the commission shall hear the appeal, and it may affirm, set aside or modify the order of the chief of police or make such further order, as in its judgment the facts shall warrant.}

{(2) The decision of the commission shall not preclude parties to the appeal from further recourse to the courts as may be provided by law.}

{B. No officer or employee shall receive any compensation for the period of any suspension or removal, unless after hearing the appeal the commission shall so order.}

Appeals from personnel actions shall be in accordance with the applicable collective bargaining agreement executed pursuant to the provisions presently contained in Chapters 76 and 89 of the Hawaii Revised Statutes.

ARTICLE XIV
PLANNING DEPARTMENT

Section 14.09. Subdivision ~~{of}~~ or Consolidation of Land.

* * *

B. Approval of Subdivisions or Consolidations. ~~{After the~~ enactment of the ordinance governing subdivisions or consolidations of land, no land may~~}~~ Land shall only be subdivided or consolidated ~~{unless}~~ when the proposed ~~{subdivision}~~ plans are in conformity with the subdivision and consolidation ~~{ordinance}~~ ordinances and regulations and have been approved by the planning ~~{commission}~~ director; provided however that the decision of the planning director may be appealed to the planning commission.

(Entirely New Section in Charter)

ARTICLE XVIII

CIVIL DEFENSE AGENCY

Section 18.02. Mayor to Declare State of Emergency.

The power to declare a state of disaster or emergency is conferred on the mayor. The mayor may declare an emergency when the peace, life, property, health or safety of the community are endangered, but his failure or refusal to make such a declaration shall not preclude the county council from finding that an emergency exists providing that the county council adopt an emergency ordinance in accordance with the charter.

(Entirely New Section in Charter)

ARTICLE XVIII

CIVIL DEFENSE AGENCY

Section 18.03. Civil Defense Contingency Fund. The council shall provide in the annual budget a civil defense contingency fund of not less than \$50,000.00 to be expended by the mayor for public purposes during any state of emergency or disaster. A report containing a complete accounting of all such expenditures shall be made as soon as practicable to the council.

ARTICLE XIX
FINANCIAL PROCEDURES

Section 19.19. Centralized Purchasing

* * *

C. (2) The aggregate amount involved does not exceed \$4,000.00; however, any purchases or contracts involving sums between ~~(\$500.00)~~ \$1,500.00 and \$4,000.00 shall be based on competitive bids which shall be in writing. All purchases under \$1,500.00 shall be recorded and such record shall be available for public review.

(Entirely New Section in Charter)

ARTICLE XIX

FINANCIAL PROCEDURES

Section 19.____. The finance director shall promptly collect all past due accounts. Unless otherwise provided by law any account more than ninety (90) days past due shall be referred to the county attorney's office for collection.

(Entirely New Article in Charter)

COST CONTROL COMMISSION

Section __.01. There shall be a County Cost Control Commission composed of seven members not employed in government service. Three of the members shall be selected by the mayor, three by the council and the seventh shall be appointed by the selected six. If there is no agreement on the selection of the seventh member within thirty (30) days of the appointments of the six members, the seventh member will be selected by the mayor.

Section __.02. Goal. The goal of the commission is to reduce the cost of county government while maintaining a reasonable level of public services.

Section __.03. Term. The term of the commission shall be coterminous with the term of the mayor. The mayor and council shall make their selection within forty-five (45) days of their inauguration.

Section __.04. The commission shall review personnel costs, real property taxes, travel budgets, contract procedures; review with the aim of eliminating programs and services available or more efficiently supplied by other governments or organizations;

eliminate or consolidate overlapping or duplicate programs and services; scrutinize for reduction any county operation.

Section __.05. Reports. The commission shall submit its recommendations semi-annually during the second and last quarter of each year. The commission may request that any of its recommendations be drafted in ordinance form for its introduction through the mayor. The mayor shall submit all such recommendations to the council with mayor's comments thereon.

Section __.06. Rules and Regulations. The commission shall adopt rules and regulations relating to the operation and management of the commission in order that the commission can accomplish its goals and objectives.

Section __.07. Appropriation. The mayor and council shall provide an annual appropriation sufficient to enable the commission to secure clerical help and pay other operational costs. The commission shall be provided with the latest mayor's annual report and the council's latest audit report. The commission is empowered to secure from any department, agency, official or employee, any report or information the commission requests that is appropriate to its function. All such requests shall be made through the office of the mayor or the chairman of the council for information within their respective jurisdictions.

(Entirely New Article in Charter)

RECALL

Section __.01. Recall Procedure. Any elective officer serving a four year term as provided for in this charter may be removed from office by the voters of the county. The procedure to effect such removal shall be in accordance with this article.

A petition demanding that the question of removing such official be submitted to the voters shall be filed with the county clerk. Such petitions shall be signed by currently registered voters numbering not less than twenty percent (20%) of the voters registered in the last general election.

Section __.02. Petitions. Petition papers shall be procured only from the county clerk, who shall keep a sufficient number of such blank petition papers on file for distribution as herein provided. Prior to the issuance of such petition papers, an affidavit shall be made by one or more voters and filed with the clerk, stating the name and office of the officer sought to be removed.

Section __.03. Signatures. Each signer of a recall petition shall print and sign their name and shall place thereon

after the name, social security number, place of residence and voting precinct. To each such petition paper there shall be attached an affidavit of the circulator thereof, stating the number of signers to such part of the petition and that each signature appended to the paper was made in the circulator's presence and is believed to be the genuine signature of the person whose name it purports to be, and that each signer understood it to be a recall petition of a specific elected officer.

Section __.04. Filing and Certification. All papers comprising a recall petition shall be assembled and filed with the county clerk as one instrument within thirty (30) days after the filing, with the clerk, of the affidavit stating the name and office of the officer sought to be removed. Within ten (10) days from the date of the filing of such petition, the clerk shall determine the sufficiency thereof and attach thereto a certificate showing the result of his examination. If the clerk shall certify that the petition is insufficient, he shall set forth in the certificate the particulars in which the petition is defective, and shall return a copy of the certificate to the person designated in such petition to receive it.

Section __.05. Supplemental Petitions. In the event the initial petition contained insufficient signatures, such recall petition may be supported by supplemental signatures of voters signed in the manner required in section __.03 of this article appended to petitions issued, signed, and filed as required for the original petition at any time within ten (10) days after the date of the certificate of insufficiency by the clerk. The clerk shall within five (5) days after such supplemental petitions are filed make a like examination of them, and if his certificate shall show the same to be still insufficient, he shall return it in the manner described in section __.04 of this article to the person designated in such petition to receive the same, and no new petition for the recall of the officer sought to be removed shall be filed within one year thereafter.

Section __.06. Recall Election. If a recall petition or supplemental petition shall be certified by the clerk to be sufficient, he shall promptly notify in writing the officer sought to be recalled of such action. If the official whose removal is sought does not resign within five (5) days after mailing of such notice, the clerk shall thereupon order and fix a day for holding a recall election. Any such election shall be

held not less than seventy-five (75) nor more than ninety (90) days after the petition has been presented to the official, at the same time as any other special county or state election held within such period, but if no such election is to be held within such period, the clerk shall call a special recall election to be held within the time aforesaid. If less than fifty percent (50%) of the total number of voters registered in the last general election shall vote at such recall election, the officer sought to be recalled shall not be deemed recalled regardless of the outcome of the election.

Section __.07. Ballots. The ballots at such recall election shall, with respect to each person whose removal is sought, submit the question: "Shall (name of person) be removed from the office of (name of office) by recall?" Immediately following each such question, there shall be printed on the ballots the two propositions in the order set forth: "For the recall of (name of person)." "Against the recall of (name of person)." Immediately to the right of the proposition there shall be designated spaces in which to mark the ballot FOR or AGAINST the recall. A majority vote shall be sufficient to recall such officer, subject to the provisions of section __.06 of this article.

Section __.08. Succeeding Officer. The incumbent, if not recalled in such election, shall continue in office for the remainder of his unexpired term subject to the recall as before, except as provided in this charter. If recalled in the recall election, he shall be deemed removed from office upon the clerk's certification of the results of that election, and the office shall be filled as provided by this charter for the filling of vacancies of elected officials. The successor of any person so removed shall hold office during the unexpired term of his predecessor.

Section __.09. Immunity to Recall. The question of the removal of any officer shall not be submitted to the voters until such person has served six (6) months of the term during which he is sought to be recalled, nor, in case of an officer retained in a recall election, until one year after that election.

September 6, 1984

BALLOT QUESTIONS

Shall the term of office of Councilmembers be extended
from two to four years? (Begins with 1986 election)

YES _____

NO _____

Shall the term of office of all elected officials commence
on the first working day of December after the general
election? (Begins with 1986 election)

YES _____

NO _____

Shall the Council have the option of conducting its first meeting after its inauguration and swearing-in at either the Council Room at the County Building or in the Kauai War Memorial Convention Hall?

YES _____

NO _____

Shall the salaries for department heads be no less than
the salary of the highest paid civil service employee
in the County?

YES _____

NO _____

Shall the Mayor have the power to veto textual sections
of bills appropriating money?

YES _____

NO _____

Shall the 30-year age requirement and the three-year
residency requirement for Mayor be removed?

YES _____

NO _____

Shall the term of office of the Mayor be extended from
two to four years, and be limited to two consecutive
full terms? (Begins with 1986 election)

YES _____

NO _____

Shall the provisions relating to the Police Department
be amended so as to clarify and better define the role
of the Police Commission in establishing policy as
contrasted with the role of the Chief of Police in
administering the day-to-day operations of the Department?

YES _____

NO _____

Shall the Planning Director have the power to approve
the subdivision and consolidation of lands provided
that the decision of the Planning Director may be
appealed to the Planning Commission?

YES _____

NO _____

Shall the Mayor have the power to declare a state of
disaster or emergency in the County of Kauai?

YES _____

NO _____

Shall the Council provide for a civil defense contingency fund of not less than \$50,000 that can be expended by the Mayor during a state of disaster or emergency provided that all such expenditures are reported to the Council?

YES _____

NO _____

Shall the maximum amount for purchasing without advertising, but for which informal bids are permitted, be increased from \$500 to \$1,500 provided that all such purchases are recorded and made available for public review?

YES _____

NO _____

Shall the Finance Director refer all past due accounts to
the County Attorney for collection within 90 days after
the account becomes past due?

YES _____

NO _____

Shall a Cost Control Commission be created that will have the power to review government spending and services with the intention of reducing the cost of county government while at the same time maintaining a reasonable level of services?

YES _____

NO _____

Shall the voters have the power of recall? (This amendment would only apply to those elected officials whose term of office is four years.)

YES _____

NO _____

APPENDIX

Included in this section are copies of all correspondence initiated by the Commission and received by the Commission during the course of the Charter update.

DATE: OCTOBER 29, 1984

TO: THE GARDEN ISLAND NEWSPAPER
ATTENTION: JEAN HOLMES, EDITOR

SUBJECT: PROS AND CONS DISCUSSION OF PROPOSED AMENDMENTS
OF CHARTER REVIEW COMMISSION

4. (ARTICLE III, SEC. 3.03, ARTICLE VII, SEC. 7.01, ARTICLE IXA, SEC. 9A.01)

SHALL THE TERM OF OFFICE OF ALL ELECTED COUNTY OFFICIALS, INCLUDING MAYOR, COUNCILMEMBERS AND PROSECUTOR, COMMENCE ON THE FIRST WORKING DAY OF DECEMBER AFTER THE GENERAL ELECTION RATHER THAN ON JANUARY 2ND?

- PRO
1. Eliminate 'lame duck' period of nearly two months.
 2. Place newly elected officials to work promptly.
 3. Avoid hasty last minute actions by 'lame duck' officials.
- CON
1. Imposes financial hardship on incumbents by removing one month's pay.
 2. Subtracts one month retirement credit from defeated incumbents in 1986.
-

6. (ARTICLE ____, - RECALL) (NEW ARTICLE)

SHALL THE VOTERS HAVE THE POWER TO REMOVE ANY ELECTIVE OFFICER, SERVING ON A FOUR-YEAR TERM OF OFFICE, BY RECALL PROCEDURE?

- PRO
1. Add 'off' election year control to four year terms.
 2. Recall procedure does not require proof of official malfeasance or nonfeasance.
- CON
1. Recall procedure requires too high a percentage for petition and recall election.
 2. Recall elections are expensive.
-

7. (ARTICLE VII, SEC. 7.01 - MAYOR)

SHALL THE TERM OF THE OFFICE OF THE MAYOR BE EXTENDED FROM TWO TO FOUR YEARS, AND BE LIMITED TO TWO CONSECUTIVE FULL TERMS? (BEGINS WITH 1986 ELECTION)

- PRO
1. A four-year term is the minimum requirement for mayor to plan and implement his own program.
 2. A four-year term reduces the need of constant campaigning on the part of County staff and employees.
 3. A two-year limitation avoids risk of excessive use of County employees for campaign purposes.
 4. Mayoral campaigns are very expensive and costly to public candidates' and supporters' funds.

- CON
1. A four-year term reduces accountability.
 2. A four-year term lessens information to the public while current programs being implemented by the administration.
 3. Induces laxity during the second and third year of term.
-

8. (ARTICLE III, SEC. 3.03 - COUNTY COUNCIL)
SHALL THE TERM OF OFFICE OF COUNCILMEMBERS BE EXTENDED FROM TWO TO FOUR YEARS? (BEGINS WITH 1986 ELECTION)

- PRO
1. Provides more sense of security and confidence in attracting competent people to run for council.
 2. Provides a longer term to assess the competency of councilmembers.
 3. Reduces politically motivated actions.
 4. Provides for extended tenure for those most competent.
- CON
1. Reduces accountability to the public.
 2. Lessens contact with the public.
 3. Easier to defeat a candidate at an election than prevailing at a recall election.
-

9. (ARTICLE VII, SEC. 7.02 - MAYOR)
SHALL THE 30-YEAR AGE REQUIREMENT AND THE THREE-YEAR RESIDENCY REQUIREMENT FOR MAYOR BE REMOVED?

- PRO
1. The national trend is to reduce age and residency requirements at the county level.
 2. Provision provides for recognition of ability without regard to age or residency.
 3. Long term residency not necessary for awareness of local problems.
- CON
1. Age requirement necessary to assure maturity and attitude of actions.
 2. Residency requirement removes possibility of a charismatic and persuasive, but insincere candidate.
 3. Local problems are best understood by long term residents.
-

11. (ARTICLE III, SEC. 3.11 - COUNTY COUNCIL)

SHALL THE SALARIES FOR DEPARTMENT HEADS BE NO LESS THAN THE SALARY OF THE HIGHEST PAID CIVIL SERVICE EMPLOYEE IN THE COUNTY?

- PRO 1. Current situation of civil service employees being paid more than department heads is inequitable and lessens interest of competent people seeking administrative positions.
2. Inequity leads to arrogance in subordinates and frustration in department heads.
- CON 1. Problem should be addressed by lowering the higher civil service employees' pay rather than adjusting department heads' pay higher. This will mean a greater saving to the County.
2. State Legislature should regulate all executive salaries.
-

12. (ARTICLE XI, - POLICE DEPARTMENT)

SHALL THE PROVISIONS RELATING TO THE POLICE DEPARTMENT BE AMENDED SO AS TO CLARIFY AND BETTER DEFINE THE ROLE OF THE POLICE COMMISSION IN ESTABLISHING POLICY AS CONTRASTED WITH THE ROLE OF THE CHIEF OF POLICE IN ADMINISTERING THE DAY-TO-DAY OPERATIONS OF THE DEPARTMENT?

- PRO 1. Proposal defines more clearly the policy formation powers of the police commission in relation to the daily administrative duties of the chief of police.
2. Proposal complies with the statutory provisions relating to compensation and personnel matters now regulated by statutes.
3. Lets the chief run his department without being subject to explaining daily actions to each commission member.
- CON 1. Removes much of the power from the police commission.
2. Places too much authority with the chief of police.
-

13. (ARTICLE XIV, SEC. 14.09 - PLANNING DEPARTMENT)
SHALL THE PLANNING DIRECTOR HAVE THE POWER TO APPROVE THE SUBDIVISION
AND CONSOLIDATION OF LANDS PROVIDED THAT THE DECISION OF THE
PLANNING DIRECTOR MAY BE APPEALED TO THE PLANNING COMMISSION?

- PRO 1. Approval or disapproval is purely administerial if the plans comply with the subdivision and consolidation standards set by ordinance.
2. Examination of plans is mainly a professional duty best performed by trained professionals.
3. The procedure will enable faster action on approval or disapproval of plans with consequent savings in time and money.
4. Right of appeal to commission will check abuse of the planning director.
- CON 1. Proposal will result in less study by the planning commission leading to less informed commission members.

14. (ARTICLE XIX, SEC. 19.19 - FINANCIAL PROCEDURES)
SHALL THE MAXIMUM AMOUNT FOR PURCHASING MATERIALS, SUPPLIES,
EQUIPMENT AND SERVICES FOR THE COUNTY WITHOUT ADVERTISING, AND
WITHOUT FORMAL BIDS, BE INCREASED FROM \$500 to \$1,500 WITH ALL SUCH
PURCHASES BEING RECORDED AND MADE AVAILABLE FOR PUBLIC REVIEW?

- PRO 1. \$500 is too small amount for County purchases of material and services.
2. Written specifications and bid procedures often exceed value of the item to be purchased.
3. Specifications often lead to purchase of goods that are cheaper but are of lesser intrinsic quality.
Price alone often does not distinguish the better product.
4. Keeping of log will eliminate or reduce potential abuse by the purchasing division.
- CON 1. Setting higher figure will lead to abuse of County expenditure of funds.
2. Procedure will lead to less inclination to inquiry or try new brands.
-

15. (ARTICLE _____, - COST CONTROL COMMISSION) (NEW ARTICLE)
SHALL A COST CONTROL COMMISSION BE CREATED THAT WILL HAVE THE POWER
TO REVIEW GOVERNMENT SPENDING AND SERVICES AND THE INTENTION OF
REDUCING THE COST OF COUNTY GOVERNMENT WHILE AT THE SAME TIME MAIN-
TAINING A REASONABLE LEVEL OF SERVICES?

- PRO 1. Cost of government is the prime concern of residents. It
is more desirable to permit a selected layman committee
to study cost control measures in detail rather than
agitation by a large segment of the community.
2. A non government connected committee will bring a different
approach to cost considerations. The volunteer committee
will be a minimal cost to the County. The savings potential
may be extensive. The final decision on the matter will
continue to lie with the mayor and the council.
- CON 1. The commission is another layer of bureaucracy.
2. The commission has no real powers.
3. The commission will lead to reduction of County personnel.
-

October 22, 1984

Mr. Jerome Hew
County Clerk
County of Kauai
4396 Rice Street
Lihue, Hawaii 96766

Dear Mr. Hew:

Re: Record of the 1984 Charter
Review Commission

Forwarded for your files is the complete record of the proceedings of the 1984 Charter Review Commission. We trust that your certification of the election on the proposed amendments when added will show that a substantial number of the proposals were approved by the voters.

Mr. Jerome Hew

-2-

October 22, 1984

Very truly yours,

Ken A. Minato
Gregory A. Tan
Shirley L. Abito
Kamato J. Asahi
Shirley L. Abito
L. Oak Cunningham
M. Asahi Francisco

:A

Enclosures

cc: Mayor Kunimura
Council Chairman Duvauchelle

October 22, 1984

Honorable Tony T. Kunimura
Mayor, County of Kauai
4396 Rice Street
Lihue, Hawaii 96766

Mister Mayor:

Re: Final Report

We have submitted an Interim Report detailing the fifteen charter amendments that are to be presented to the electorate at the 1984 General Election. This Final Report contains the suggestions submitted to the Charter Review Commission by the various County agencies and departments that are not included in the fifteen proposals. Included also are "housecleaning" suggestions to update the Charter by eliminating obsolete sections and clarifying ambiguous sections of the Charter.

One of the objections to the proposed charter amendments proposals is that the fifteen proposals are too much to consider at one time. The housecleaning proposals are forwarded with the intent that the Council may submit them with its own resolutions without the expense of a charter review commission. The number submitted at one time may also be better regulated than by engaging in a complete revision every ten years.


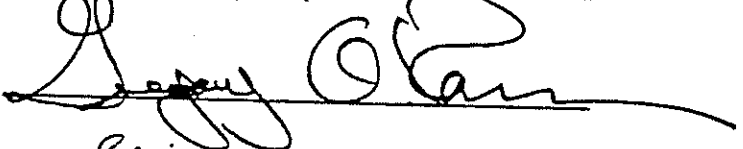
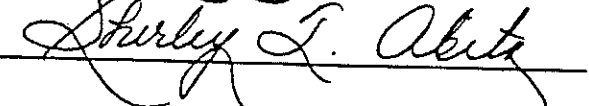
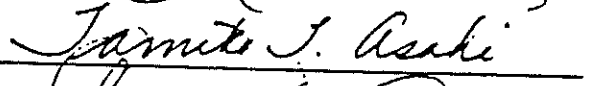

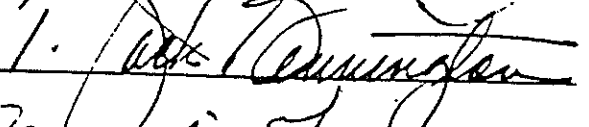
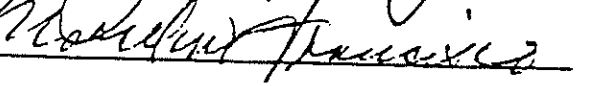
Honorable Tony T. Kunitura - 2 -

October 22, 1984

The task remaining is to inform as many voters as possible about the reasons for the proposals and to urge each voter to vote on each proposal. Obviously, without the generous help of The Garden Island, Kauai Times, Station KUAI, Station KIPO and others, our efforts to communicate would be but a whisper in the wilderness of apathy. We thank them.

Thank you for your support of our efforts.

Very truly yours,

:A

Enclosures

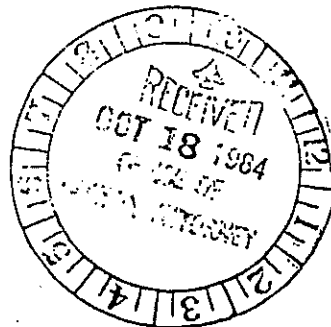
cc: Raymond P. Duvauchelle,
Council Chairman
Jerome Y.K. Hew,
County Clerk

GEORGE R. ARIYOSHI
GOVERNOR

DR. DONNIS H. THOMPSON
SUPERINTENDENT



STATE OF HAWAII
DEPARTMENT OF EDUCATION
OFFICE OF THE DISTRICT SUPERINTENDENT
KAUAI SCHOOLS
3060 EIWA STREET
LIHUE, HAWAII 96766-1310



October 16, 1984

TO: All Principals and Teachers
FROM: Shirley T. Akita, District Educational Specialist
SUBJECT: Proposed County Charter Amendments

The County Charter Review Commission has made the following materials available for your information and educational perusal:

1. Proposed Charter Amendments with the rationale for revisions.
2. Copy of Official Ballot

The Commission members ask that you take the time to study the proposed amendments and vote on them at the General Election on November 6, 1984. Should you want more copies, please contact my secretary, C. Christian, 245-4366.

APPROVED BY:

A handwritten signature in cursive script, reading "Mitsugi Nakashima".

Mitsugi Nakashima
District Superintendent

STA:cc

cc: H. Hashimoto
District Staff
M. Shinsato
M. Belles

Attach.

October 15, 1984

Honorable Raymond P. Duvauchelle
Chairman, and Members of the
Kauai County Council
4396 Rice Street
Lihue, Hawaii 96766

Dear Chairman Duvauchelle and Members:

Your Charter Review Commission has remaining a formidable task of informing the public about the merits and effect of the fifteen proposed charter amendments.

As councilmembers you are familiar with the County Charter. We know of no better informed group than the Council to discuss the proposed amendments. Indeed the Council is best able to discuss the practical effects of the amendments, notably the four-year term for councilmembers. The indifference encountered by the Commission concerning the four-year term indicates that a considerable amount of education and persuasion are needed to impress upon the public the favorable aspects of a longer term for councilmembers.

We appreciate very much your support of our review efforts. We request your help in explaining to the public the effects of

Honorable Raymond P. Duvauchelle
Page 2

October 15, 1984

the proposed amendments. Your help in having the public consider each proposal and vote on each proposal will be of invaluable assistance to us and the public.

Thank you.

Very truly yours,

Alvin P. Munn
Gregory O. Carr
Shirley L. Abitz
Jameto J. Asahi
Kingston K. Kaulik
I. W. Cunningham
Marcus Francis

:A

REPORT OF THE
COMMITTEE

COMMITTEE
REPORT NO.

CR-IGR-14-84

INTERGOVERNMENTAL RELATIONS

October 4, 1984

From the
COUNTY COUNCIL
LIHUE, HAWAII

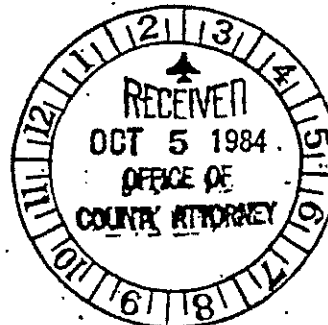
Mr. Chairman:

Your Committee on Intergovernmental Relations,
to which was referred,

IG-18. Communication (9/6/84) from the Charter
Review Commission of 1984 attaching fifteen
(15) proposed charter amendments together
with the corresponding ballot questions to
be submitted to the electorate at the
General Election.

begs leave to report as follows:

Your Committee recommends that the above
communication be received for the record.



X
.....MAYOR

....Bd. of Water Supply
....Civil Defense
....County Attorney
....Economic Development
....Elderly Affairs
....Finance Dept.
....Fire Dept.
....L.E.A.A.
....Liquor Comm.
....Personnel Services
....Planning Dept.
....Police Dept.
....Prosecutor
....Public Information
PUBLIC WORKS:
....County Engineer
....Building Div.
....Parks & Recreation

STATE

....Governor
....D.A.G.S.
....Dept. of Health
....D.O.T.
....D.L.N.R.
....D.P.E.D.
....B. & P.

✓ Charter Review Comm.

JEREMY HARRIS,

Chairman

JESSE FUKUSHIMA,

Member

EDWARD SARITA,

Vice Chairman

RONALD KOUCHI,

Member

BILL KAIPŌ ASING,

Member
263

Member

September 6, 1984

Mr. Jerome Hew
County Clerk
County of Kauai
4396 Rice Street
Lihue, Hawaii 96766

Dear Mr. Hew:

Re: Revision of Charter Amendments

Subsequent to my last communication to you dated September 4, 1984, a few errors in the first draft of the proposed charter amendments were discovered necessitating further revision.

Consequently, please find enclosed what is hopefully the "final" revised draft. However, in the event that additional errors are detected in the future you will be immediately notified.

As we discussed, the revisions appear in Article XVIII wherein the language originally contained within the parenthesis has been deleted. In addition, the Article providing for the Cost Control Commission has been revised by deleting the final phrase from Section __.01 reading ""....from a list of persons recommended by the business community."

If you have any questions concerning this latest revision please feel free to contact me at any time.

Very truly yours,



MICHAEL J. BELLES
County Attorney

MJB:A

Enclosures

September 6, 1984

Honorable Tony T. Kunimura
Mayor, County of Kauai
Honorable Raymond P. Duvauchelle
Chairman, Kauai County Council
4396 Rice Street
Lihue, Hawaii 96766

Gentlemen:

Re: Interim Report of Your Charter Review Commission

Attached are the fifteen (15) proposed charter amendments together with the corresponding ballot questions to be submitted to the electorate at the General Election. The actual texts of the amendments, together with the ballot wording, are shown.

We have held three public hearings to listen to amendment ideas before we considered any amendments. Three public hearings were held after a tentative list of amendments was drafted. Everyone wishing to contribute was welcomed to attend our weekly meetings. Those who appeared were given unrestricted time to expound on their ideas. Despite our cordial invitation the public stayed away by the thousands.

Permit us to elaborate on a few of the amendments:

1. We adopted your suggestions of four-year terms for the Mayor and Councilmembers. We changed the Council proposal by

Honorable Tony T. Kunimura -2-

September 6, 1984

eliminating the two consecutive terms limitation for the Council. The public is apathetic if not hostile to four-year terms. However, we feel that longer terms will lessen the need for officials to campaign continuously from election to election and allow more time to do the work of government. There is a need to convince the public that it is not rascality that moves people to run for public office.

2. The commencement date for the assumption of office on the first working day in December following the election will be separate from the four-year term amendment. If approved, the amendment will take away one month of retirement credit for those elected in the 1984 election. Pay adjustments will be made if the first working day in December is not the first day of the month.

3. The age of thirty and three-year residency qualifications for the Mayor will be eliminated. This will eliminate the conflicts between the qualifications for Mayor and Councilmembers.

4. The department heads intended to be affected by the proposed amendment to set their pay at not less than the highest paid civil service employee are the departments cited in the Charter. They are the County Attorney, Prosecuting Attorney, Finance, Police, Fire, Public Works, Planning, Personnel and Water Departments.

5. The amendment empowering the Mayor to declare a disaster area for Kaula is intended to authorize speedy local action where the effects of a disaster are mainly local. The declaration is joined with the power to exercise emergency measures as authorized under Chapter 128, HRS.

Honorable Tony T. Kunimura -3-

September 6, 1984

The Council will be required to set aside a disaster fund of \$50,000 on reserve. The intent is to have the Council write in the conditions of the fund expenditures and provide the funds before a disaster strikes.

6. Prior proposals set \$2,500 as the amount under which purchases may be made without competitive bidding rather than the existing \$500. We have reduced the figure from \$2,500 to \$1,500. We are informed that often it costs more than \$500 to write the specifications for a \$500 item.

7. The proposed amendment that evoked the most discussion is the Cost Control Commission. The responses ranged from wholehearted support to strong opposition.

The amendment is proposed in response to a wide-spread complaint that government is too costly. The intent is to create a reasonable review body of residents to seek government efficiency while providing an adequate level of public services.

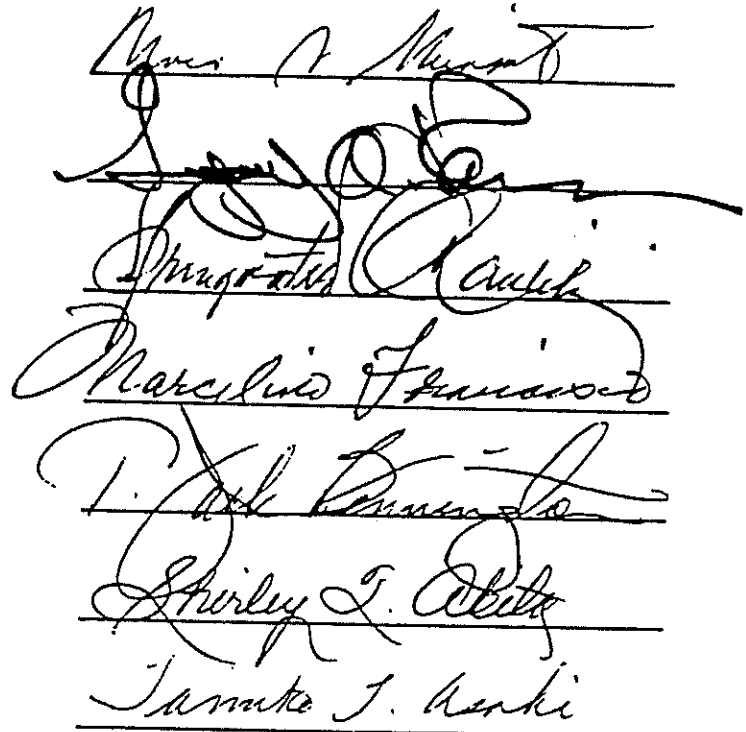
In addition to the fifteen (15) charter amendments, we will submit a list of other amendments worthy of consideration, together with other house-cleaning amendments in our final report.

We submit that each amendment merits a thoughtful consideration by our voters. We wish to thank the press and radio for the helpful publicity given us. Were it not for their help we would have been like coal miners at work as viewed from the surface. It certainly was never our intention to undermine anything. We thank you too for your excellent support.

Honorable Tony T. Kunitura -4-

September 6, 1984

Very truly yours,


The block contains seven handwritten signatures, each on a horizontal line. From top to bottom, the signatures are: 1. A cursive signature that appears to be 'James A. ...'. 2. A cursive signature that appears to be 'John D. ...'. 3. A cursive signature that appears to be 'Margaret ...'. 4. A cursive signature that appears to be 'Marceline ...'. 5. A cursive signature that appears to be 'P. ...'. 6. A cursive signature that appears to be 'Shirley L. ...'. 7. A cursive signature that appears to be 'Tamiko J. ...'.

:A

cc: Jerome Y.K. Hew

Enclosures

September 4, 1984

Mr. Jerome Hew
County Clerk
County of Kauai
4396 Rice Street
Lihue, Hawaii 96766

Dear Mr. Hew:

Re: Revised Charter Amendment

As we discussed, please find enclosed a copy of the revised draft of Article XI of the County Charter proposing to amend the provisions relating to the Police Department.

There are no substantive changes, however, the order of certain sections were revised to conform to the existing numbering system contained within the present Charter.

If you have any questions concerning the revision please feel free to contact me at any time.

Very truly yours,

MICHAEL J. BELLES
County Attorney

MJB:A

Enclosures

September 4, 1984

Mr. Jerome Hew
County Clerk
County of Kauai
4396 Rice Street
Lihue, Hawaii 96766

Dear Mr. Hew:

Re: 1984 Charter Amendments
and Proposed Ballot Language

I have been instructed by the Charter Review Commission to transmit to you copies of the enclosed Charter Amendments that are to be submitted to the voters in the 1984 General Election together with the proposed ballot language for each of the amendments.

If you have any questions or comments concerning the charter amendments and the proposed ballot language please feel free to contact me or the Charter Review Commission at any time.

Very truly yours,

MICHAEL J. BELLES
County Attorney

MJB:A

Enclosures

August 20, 1984

Mr. Raymond X. Aki
RR 1 Box 214
Koloa, Hawaii 96756

Dear Mr. Aki:

Thank you for your letter of August 6, 1984 soliciting our response to your question of whether Kauai County Tax Ordinance No. 394 represents a valid exercise of the County's tax authority pursuant to the Constitution of the State of Hawaii and the Kauai County Charter.

Upon consultation with the County Attorney the Commission is satisfied that the ordinance in question is valid and legal.

Article XVIII, Section 6, of the Hawaii State Constitution together with Section 2.02 of the Kauai County Charter clearly authorize the Counties to adopt the necessary legislation to effectuate the mandate of the legislature to transfer the real property tax function from the State to the Counties.

Based on the foregoing the Commission does not find it necessary to propose a Charter amendment relative to real property taxes for the coming General Election.

Again, thank you for your interest and concern over this matter.

Very truly yours,

Morris S. Shinsato, Chairman
Charter Review Commission

MSS:A

CONTRACTORS ASSOCIATION OF KAUAI

P.O. BOX 64, LIHUE, HAWAII 96766 808/245-2871

August 13, 1984

TO: Charter Review Commission
FROM: Contractors Association of Kauai
SUBJECT: Proposed Charter Review Amendments (Draft II)

Mr. Chairman, Commissioners, thank you very much for affording us this opportunity to comment on your proposed charter amendments.

Despite the general trend of negativism and mistrust which seems to abound these days, we of the Contractors Association have always kept the faith in representative government and deeply appreciate the trend of openness displayed by our county government and its appointed officials. Accordingly, we know you will give thoughtful consideration to our comments which are as follows:

1) ARTICLE III - COUNTY COUNCIL

a) Sections 3.03 & 3.04 - Terms & Qualifications

We concur with your recommendation to change the term of office for council members from two to four years. This change frees our elected officials from the anxieties and time consuming effort required to campaign for reelection, one year after he has been in office. It affords him the time necessary to focus on implementation of programs for the public good as well as fully concentrate on administering the daily law making affairs of our county.

b) Section 3.07 - Organization of Council; Officers; Rules; Employees.

We agree with your proposed change.

c) Section 3.11 - Adoption of Pay Plan

We recommend that the present charter language remain unchanged. We firmly believe in a strong mayor - a strong council form of government, where elected officials should be astute enough to recognize inequities when it exist, and be firm in conviction to take necessary corrective action.

Because rising inflationary costs is embedded in our economic system, it is logical to conclude that government, like the private sector, is not insulated from the effects of inflation. Therefore, if you desire good products, materials or services, you pay the market price. Likewise, if you want to attract and retain qualified people for county government department head

Contractors Association of Kauai
Proposed Charter Amendments - continued

positions, you again pay the market price, and offer a salary commensurate with required professional or technological expertise, the assigned scope of responsibilities and accountability for potential errors caused by subordinates.

Another important point to consider is "Job Security". Because department heads and other employees are exempt from civil service rules, they do not have the luxury of job security. Understandably, though they may be excellent performers, potentially, they may lose their jobs when a new mayor takes over. This dark cloud of insecurity, alone, is reason enough to defer attracting people with excellent qualities for government exempt civil service positions.

Most certainly, we of the Contractors Association recognize that in our county, a pay inequity problem exist. But we maintain a stronger belief that addressing the problem by way of changing the charter, is not the way to go. Although it places our councilmembers between the proverbial rock and a hard place, we equally believe that they should be strong individuals with much conviction to bite the bullet, and make the tough decision to correct the present pay inequity problem, by adopting a reasonable pay plan.

Additionally, we do not favor the proposed language addition. Specifically, the word "county", for it can be interpreted to mean all department heads receiving the same salary, irregardless of the wide disparity in accountability, professional or technological expertise required. The word "department" would have been more appropriate.

2) ARTICLE IV - ORDINANCES AND RESOLUTIONS

a) Section 4.03 - Submission of Ordinances to the Mayor

We accept the proposed change for we believe in the strong mayor type of government and this change will strengthen the check and balance process.

3) ARTICLE VII - MAYOR

a) Section 7.01 & 7.02 - Election and Term of Office and Qualifications

We concur with your proposed change. Our comments previously stated for councilmembers also applies to the office of the mayor.

Contractors Association of Kauai
Proposed Charter Amendments - Continued

4) ARTICLE XI - POLICE DEPARTMENT

a) Sections 11.01 to 11.08 respectively

We have no objections. We interpret the proposed changes to be necessary requirements coincident with changing conditions.

5) ARTICLE XIV - PLANNING DEPARTMENT

a) Section 14.09 - Subdivision or Consolidation of Land

We firmly oppose transfer of authority for approval of subdivisions or consolidation of land from the planning commission to the director. We view this change as placing too much power in one person and conversely, subjecting him to increased political pressure. For example:

- . If disagreement exist between the subdivision applicant and the authority, the applicant will always lose. He has no choice but to concede to the demands of the authority or, be denied permission to subdivide his property.
- . Conversely, should a subdivision proposal associated with a controversial development come before the director, he will be subjected to intense pressure and verbal abuse from politicians and special interest community groups. The same holds true on other subdivision applications that has the support of powerful elected officials. Should the director, just once, accede to special interest demands, he eventually becomes ineffective by losing the respect and support of his peers, his subordinates, the community and his superiors or the commissions themselves. We believe this to be too much of a burden to place on one man.

In connection, it is important to understand the intent of creating a seven member board as well as the responsibilities that goes with acceptance of this important appointed office. Supposedly, the seven member board is representative of the public makeup, thereby providing seven different values and views. When deliberating a development proposal, these seven different values and views are brought to bear on the proposal to flush out both positive and negative impacts. In this manner, points of disagreements between dissenting parties are weighed on the basis of individual merits and accordingly, an impartial decision applied. In effect, the commissioners act as a buffer

Contractors Association of Kauai
Proposed Charter Amendments - continued

between bureaucracy and man on the street to insure fairness in rule application.

Granted, an appeal process is provided for in the proposed change but we feel this proposal to be ineffective in that:

- . The transfer of responsibility for subdivision approval to the director removes the incentive for commissioners to apply necessary self study effort so as to fully understand the intent/and ramifications of our land use laws.
- . Lacking the aforesaid knowledge, questions on pertinent points for consideration may never be raised and discussed. Therefore, with inadequate informational background, decisions rendered may result in future adverse impacts. As stewards of the land for the future generation, a prime requisite demanded of a commissioner is to insure decisions rendered takes into account, the needs of a growing population in a land area that remains the same.
- . Furthermore, a lack of land use knowledge may result in disregard for protecting the rights of the property owner while equally protecting the rights of his neighbors. Concurrently, a commissioner is also tasked with protecting the county from involvement in liability suits.

For a commissioner in this important board, the key is total committment to the task of becoming informed so as to be effective. To a degree, this transfer of responsibility and authority removes the incentive for self study application, development of interest, sincerity and concern.

For your information, our present appeal process permits that applicant to go directly to the courts. Unlike the other counties where they have a board of appeals, the intent of our rule is to eliminate an added layer of bureaucracy, which is time consuming and expensive to both the applicant and out county. Although in a different form, this proposal adds another bureaucratic layer in the subdivision approval process.

6) ARTICLE XVII - CIVIL DEFENSE AGENCY

a) Section 18.02 - Mayor to Declare State of Emergency

We agree with this charter addition.

Contractors Association of Kauai
Proposed Charter Amendments - continued

7) ARTICLE XIX - FINANCIAL PROCEDURE

a) Section 19.19 - Centralized Purchasing

We oppose the dollar sum change. As we understand it, the minimum \$500.00 figure specified in our charter was the result of a problem that occurred in the early 70's between county and a private contractor. As a result, the department head and his deputy resigned from office.

Raising the purchase or contract sum from \$500.00 to \$1,500.00 could result in increased purchases below \$1,500.00 but for the same job or items.

b) Section 19.20 - New Section

We have no objections. The collection of overdue accounts is similar to present practices applied within the private sector.

8) NEW ARTICLE - COST CONTROL COMMISSION

a) Section __.01 -

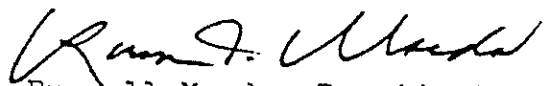
We oppose the creation of a "Cost Control Commission". Presently, our charter imposes a mandate on our county council to have a balanced budget. On this point, we believe in a strong mayor, a strong council form of government where elected officials should be held totally responsible for developing and controlling the county budget.

Furthermore, our present charter already gives elected officials the authority to form special committees for this purpose.

9) NEW ARTICLE - RECALL

a) Sections __.01 to __.09 respectively

We support this proposal in its entirety. However, we recommend increasing the petition signature total from 20% to 25% of the voters registered in the last general election.


Russell Maeda, President
Contractors Assn. of Kauai

cc: Board of Directors
Political Action Committee

TONY T. KUNIMURA
MAYOR



MICHAEL J. BELLES
COUNTY ATTORNEY

COUNTY OF KAUAI
OFFICE OF THE COUNTY ATTORNEY
4396 RICE STREET
LIHUE, KAUAI, HAWAII 96766

August 6, 1984

Mr. Morris S. Shinsato, Chairman, and
Members of the Charter Review
Commission
County of Kauai
4396 Rice Street
Lihue, Hawaii 96766

Dear Chairman Shinsato and Members:

Re: Board of Ethics Proposal To Amend
Charter Section 20.04, Relating
To Conflict of Interest

The Board of Ethics has asked me to write to you to clarify their position concerning any proposed amendments to Charter Section 20.04, relating to conflicts of interest in matters pending before the County Council. By letter dated July 12, 1982, this Board previously indicated to the then Chairman of the County Council, Jeremy Harris, its position concerning the amendment to the above section. I have enclosed a copy of that letter together with a copy of the proposed amendment for your review.

The purpose of this letter is to reaffirm the Board's position in support of their previously proposed amendment. This is basically similar to the present proposal of the County Council, in that it would disqualify any councilmember with a financial interest in a proposal pending before the Council from voting on such matter.

However, and this is different than the amendment suggested by the County Council, the Board's proposed amendment would allow a councilmember with such a conflict to vote in cases where such a disqualification would result in a lack of a quorum to conduct business. The reasoning behind this was that in situations where disqualification of one or more councilmembers result in the lack of a quorum to conduct

Mr. Morris S. Shinsato, Chairman, and
Members of the Charter Review
Commission

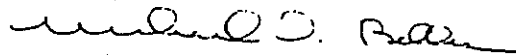
Page 2

August 6, 1984

business, the needs and requirements of a working and effective governmental legislative process should take precedence over the conflict of interest provision.

On behalf of the Board, I would like to thank you for your consideration of the Board's proposal.

Sincerely yours,



for MAX W. J. GRAHAM, JR.
Deputy County Attorney

MWJG:bkm

Enc.

xc: Board of Ethics members

August 6, 1984



Mr. Morris S. Shinsato, Chairman and
Members, Kauai County Charter Commission
County of Kauai
Lihue, Kauai, Hi. 96766

Re: Authority To Levy and Collect Real Property Taxes

Chairman Shinsato and Members:

Attached please find copy of letter sent to Mayor Kunimura asking whether or not he has authority under the Kauai County Charter, to levy and collect real property taxes.

We would pose the same question to you and thank you for your prompt reply.

We are mindful of the constitutional prohibition of legislative interference in the internal affairs of the counties and the authority of the legislature acting under general laws, to allocate and reallocate powers and functions to the counties; but we are also aware that such acts cannot be effectuated or commenced without first being delegated to the county government by the voters of that county by charter amendment. It is in reference to this point that we ask the question, but in doing so we are cognizant of Sections 2.02 and 3.18, which may or may not have bearing on the question raised, since legislative intendment of the authors are not necessarily those of the voters who are the ultimate framers.

If you find that the function of real property taxation is properly delegated under the charter will you please explain the process under which you arrived at such conclusion?

Do you find that Kauai County Tax Ordinance 394 to be a valid instrument under Section 4.02 F?

If you find that amendment of the charter is necessary to incorporate all real property taxation, powers and delegations and in fact a special agency or office to carry out all taxation functions, will you have such an amendment proposal ready in this general election coming in November?

Respectfully yours,

Raymond X. Aki
Raymond X. Aki, RR 1 Box 214 Koloa, Hi. 96756

Copy to: Council Chairman & Members

August 6, 1984

Hon. Tony T. Kunimura
Mayor, County of Kauai
Lihue, Hi. 96766

Re: Authority To Levy and Collect Real Property Taxes

Dear Mayor Kunimura:

With your long years of experience as a lawmaker in the State of Hawaii Legislature, your experience with the authority of law as promulgated by the Hawaii State Constitution, your experience with ordinances as a county supervisor, and finally as Kauai County's current mayor, you are most qualified to know whether or not your administration has the lawful authority under the Kauai County Charter, to levy and collect real property taxes.

Like yourself, we are aware that the 1978 Constitutional Convention did bestow the exclusive powers over all functions of real property taxation to the four major counties of this state. We are also aware that the people did concur and ratify this bequest by their vote of November 7, 1978. We are aware that although the Constitutional Convention did mandate a transition of such taxing powers to the counties effective July 1, 1980, the Hawaii Legislature of which you were a member, did not provide transfer until a year later on July 1, 1981. We are aware that the constitutional mandate, its acceptance by the electorate and the subsequent authority to effectuate transfer by the legislature, were all acts to the body politic which speaks through its charter. We are not aware of any charter amendment delegating any real property taxing authority to any office or agency of the county government. We therefore question your authority, for ultimately it is on your authority the Director of Finance relies for her authority to levy and collect real property taxes. We are aware that the Council did adopt Ordinance No. 394 Kauai County's real property taxation law which delegates administration and enforcement to the Director of Finance, but we are unable to find any authority in the Charter that empowers the Council with such authority.

Since its effective date of January 2, 1969 the Kauai County Charter has been amended several times. Once a major amendment on "Initiative and Referendum", a medium amendment as the transfer of prosecution powers from the County Attorney to a new office of "Prosecuting Attorney" and several mini amendments in planning, ethics, and general provisions. However, we can find no charter amendment giving the county government any authority to raise its major revenues by the taxation of real property in this County.

While it is the duty of all taxpayers to pay all lawful taxes, it is the governments' duty to impose only lawful taxes and the administrators to enforce only Lawful acts, do you as mayor and candidate not agree? May we have your prompt answer?

Respectfully yours,

Raymond X. Aki

Raymond X. Aki, RR 1 Box 214 Koloa, Hi 96756
Copy to : Charter Commission

August 1, 1984

County Charter Review Committee
County Attorney Office
4396 Rice St.
Lihue, Hi. 96766

Dear Sirs,

Submitted here is another approach to provide community recreation with its proper prospective as a unique function of County government. Recreation is seen as a separate responsibility of government and demands an independent recreation department. This will enable recreation to receive the visibility as a function and would not be lost in the general concerns of its present department. A department would be in better position to coordinate community efforts and input, as well as be given an adequate budget.

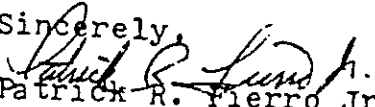
One main objective in recreation is to provide services and experiences for all ages within a framework of educational, consturctive, and personal achievement values. This pursuit should be designed by needed qualified personnel with community representation and input.

Thus this amendment would empower the County to aquire, develop; and maintain recreation park areas while operating programs under competent leadership.

The following is an example derived from County Charters of Oahu and Maui. Note, section 4, where this legislation should enable a board to establish policies, goals, and objectives to aid the director in philosophical, acedemic and departmental operations.

Thank you for your consideration of my proposal for amendent to the Kauai County Charter

Sincerely,


Patrick R. Pierro Jr.
PO Box 421
Lihue Hi. 96766
Phone: 332-7154

DEPARTMENT OF PARKS AND RECREATION

Section 1. Organization. There shall be a department of Parks and Recreation which consist of a director and the necessary staff for the purpose of establishing community recreation programs and facilities.

Section 2. Director of Parks and Recreation. The director shall be appointed and removed by the mayor and shall have a minimum of 5 years of experience and training in the field. Also 3 years of which shall have been in a responsible administrative capacity.

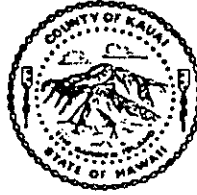
Section 3. Powers, Duties, and Functions. The director shall:

- A). Plan, design, construct, maintain and operate facilities.
- B). Develop and implement programs for community populations including handicap.
- C). Beautify public parks.

Section 4. Board of Parks and Recreation. See Article XXII, Section 22.02, Boards and Commissions Kauai County Charter.

PATRICK CHILDS
Chairman

NOBU TAMURA
Vice-Chairman



MEMBERS:

Jerry Santos
Linda Kaiakapu
Louie Gonsalves, Jr.

POLICE COMMISSION

COUNTY OF KAUAI
3080 UMI STREET
LIHUE, HAWAII 96766

July 31, 1984

Mr. Morris Shinsato, Chairman
Charter Review Commission
Kauai County
Lihue, HI 96766

Dear Chairman Shinsato:

Find enclosed a copy of our resolution regarding the salary of the Chief.

I know you agree with our position. It is our hope the matter can be corrected before it embarrasses Kauai County even more.

Sincerely,

A handwritten signature in cursive script that reads "Patrick Childs".

PATRICK CHILDS
Chairman

Enclosure

betta have some new blood on this commission....

time after time, you all want to have the rotten politicians get the best of the people.....

we can't take care our growth - our cost - savings in government that you want to extend the time of office.....we don't deserve and have any one that fits the term of office.....

recall..... costs.....

create commission...who are you trying to fool.....

veto, yes but explain.....

board-water...betta watch them cost.....give back to the
county-like before????

collect-debts....what a shame they are not doing it...any in the past
and futre pending????

bids, yes and no but let the public-business people what went out
without bids.....politics-ethinc-conflict---

lets work together-why the commission after the main man approves it..

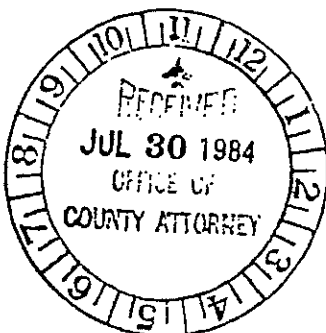
police..... old fashion...see how bad the situation is and you guys
worry about 2-4-year terms when we have --you have -- they have to settle
and change/////

salary-make sure that the ^{subs} ~~heads~~ don't get more than their heads...

(change collective bargaining laws--too damn much for
(the emply--play--play--get something doing as

to evaluate the departments--functions--staff--pay--

too damn much folling around with the payers money....



July 25, 1984

Honorable Raymond P. Duvauchelle
Chairman, and Members of the
Kauai County Council
4396 Rice Street
Lihue, Hawaii 96766

Dear Chairman Duvauchelle and Members:

Thank you for your charter amendment proposals. Your Charter Review Commission has taken the following action on your proposals:

1. Approved a four year term for mayor together with the two consecutive term limitation.
2. Also approved a four year term for councilmembers with the same limitation.
3. Disapproved your conflict of interest proposal. Your Commission voted to retain the existing provision. Experience indicates that there is a tendency to allege conflict in others and also a tendency to claim conflict to prevent or avoid voting on issues.
4. Disapproved your proposal of setting tax rate ceiling by initiative. Your Commission feels that setting tax rates is a basic duty of the councilmembers and the mayor, one for which they should be fully responsible. It appears too simple and a foregone conclusion that a lower tax rate will be demanded by initiative without full information or regard of public needs. Part of our tax problems appear to be due to assessment deficiencies.

Honorable Raymond P. Duvauchelle
Page 2

5. Approved deletion of the chapter on the public defender. However, it is requested that the proposal be submitted with other housecleaning amendments in the 1986 election.

6. Approved your recall proposal.

Your Commission proposes to do a housecleaning review of the entire charter. However, it is requested that only major issues be presented this year and the housecleaning amendments be submitted by council resolution in 1986. This will avoid the cost of appointing a new review commission.

We request your cooperation in submitting to the voters a minimum number of substantive amendments so that the public will not be overwhelmed by a multitude of items.

Thank you.

Very truly yours,

MORRIS S. SHINSATO, Chairman
Charter Review Commission

MSS:A

TONY T. KUNIMURA
MAYOR



MS. ELEANOR LLOYD
COUNTY EXECUTIVE ON AGING

rec'd July 23 '84

COUNTY OF KAUAI
OFFICE OF ELDERLY AFFAIRS
4396 RICE STREET
LIHUE, KAUAI, HAWAII 96766
TELEPHONE NO. (808) 245-4737

July 23, 1984

TO: Morris Shinsato, Chairman
Kauai County Charter Revision Committee

FROM: Springwater Kaulili, Charter Review Member

SUBJ: Inclusion of Kauai Office of Elderly Affairs in Charter
(Office Originally Established by State Statute 64 and
County Council Resolution 38-1964)

OFFICE OF ELDERLY AFFAIRS

(From: 1976 Kauai Revised Code of Ordinances Sec. 2-1-6)

Section _____. Organization. There shall be an administrative agency titled "Office of Elderly Affairs" under the Mayor's Office to control the administrative duties in performing all programs relating to the elderly.

Section _____. Policy Council Organization/Authority.

A. Act 217, Sec. 349-9, Hawaii Revised Statutes, requires the establishment of the Office of Elderly Affairs Policy Council to assist the director in policy decisions.

B. The members and terms shall be appointed by the Mayor with the consent of the County Council.



HUMAN RESOURCE COMMISSION

ABSTRACT

This proposal seeks to fill the critical need for an assessment of the current status of the delivery of human services programs by all branches of government and the private sector in Kauai. After a decade of enormous growth in the kinds of human services available and the haphazard proliferation of the numbers of providers of such services, many substantial problems have developed--many of them caused by the overwhelming influence of federal policies and requirements. Because the era of the Block Grants is about to begin, this is an opportune moment to study and reconsider how best to deliver human services within the County of Kauai and how both the governmental and private sectors might be best organized to provide such services through the Block Grant approach under adoption by the Federal Government.

This proposal is unique in that it is designed to bring the major governmental and private providers of human services in Hawaii together with the OEO funded programs, which have developed extensive experience in the delivery of human services, in an effort to study the best ways to provide such services in the future. It assigns to the Human Resources Commission the role of coordinating agency in this undertaking and provides for the participation of the Human Services Agencies in the development of plans for the future. This would permit for the first time nationally a county-wide analysis of human services which had the benefit of the experiences of the low-income residents and their representatives in a joint undertaking with agencies of government and the private sector to improve the quality of services as they directly affect the disadvantaged.

The proposal sets forth an administrative structure to accomplish these aims. It establishes under the Human Resources Commission a county-wide commission of Human Services Programs consisting of the major governmental (State and County) providers of human services and representative of the community action programs and other private providers of human services.

Received from:

Kauai Human Services Council
July 9, 1984

(To be made one and twelve (ics)

THE SENATE

TWELFTH..... LEGISLATURE, 19 84.

STATE OF HAWAII

HUR
S.B. NO. 2123-84

A BILL FOR AN ACT

RELATING TO HUMAN SERVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Purpose. The provision of human service
2 programs is essential to public health, safety and welfare,
3 and their importance require that they be delivered and
4 conducted effectively and efficiently.

5 The cutbacks in federal funds for human service programs
6 and the likelihood that the federal government will continue
7 to adhere to a stringent financial policy make it all the more
8 urgent for the legislature to determine whether changes should
9 be made in the responsibilities and delivery systems for human
10 services.

11 Two current issues particularly require review. One issue
12 is whether the counties should exercise increased responsibilities
13 in the field of human services. The other issue is the role of
14 private agencies in the provision of human services and the
15 development of state policies to guide which kinds of programs
16 should be conducted directly by government agencies and which
17 kinds of programs should be conducted by private agencies.
18

Dated

1 The Legislature believes that before making determinations
2 on these issues, it can benefit from the advice of citizens of
3 the community. Therefore, the purpose of this Act is to
4 establish a citizens advisory committee on human services to
5 study and render advice on the issues identified in this section.

6 *volunteers* SECTION 2. There is created a citizens advisory committee
7 which shall advise the legislature on whether the counties should
8 have increased responsibilities in the provision of human services
9 and what should be the role of and what kinds of programs in the
10 field of human services should be conducted by private agencies.

11 The committee shall be composed of eleven members appointed
12 by the president of the senate and the speaker of the house of
13 representatives. The committee shall elect a chairman and vice-
14 chairman from among its members. A majority of the members of
15 the committee shall constitute a quorum. Members of the
16 committee shall serve without compensation but shall be reimbursed
17 for expenses necessary for the performance of their duties.

18 SECTION 3. The committee shall submit a report of its
19 findings and recommendations to the legislature prior to the
20 convening of the regular session of 1985. Ninety days after
21 submission of its report to the legislature, the committee shall
22 cease to exist.

23 SECTION 4. This Act shall take effect upon its approval.

24
25 FEB 14 1984

INTRODUCED BY:

Norman M. [Signature]
Samuel [Signature]

RESOLUTION

WHEREAS, The Kauai Human Services Council advocates coordination of Human Services on the island of Kauai for the benefit of consumers, governmental and private providers; and

WHEREAS, in view of S.B. 2123-84, which calls for the formation of an eleven member committee, which will include a representative from Kauai, that will be generally addressing:

- 1) Whether changes should be made in the responsibilities and delivery systems for human services;

and specifically:

- (1) Whether the counties should exercise increased responsibilities in the field of human services.
- (2) The role of private agencies in the provision of human services and the development of state policies to guide which kinds of programs should be conducted directly by government agencies and which kinds of programs should be conducted by private agencies;

and will submit a report on these finds to the 1985 legislative session.

WHEREAS, The Kauai Human Services Council promotes the establishment of a county based commission on human services, composed of consumers, governmental, private agencies representatives, and

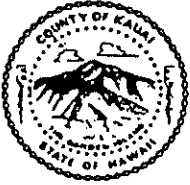
WHEREAS, should said legislative committee propose the formation of a county based Human Services Commission, we urge the County Charter Commission to make a recommendation to the Mayor and County Council to further the creation of such a commission to facilitate the delivery of Human Services.

BE IT RESOLVED THAT THE KAUAI HUMAN SERVICES COUNCIL work in cooperation with, the appointed representative of said committee to promote better delivery of human services for the County of Kauai and State of Hawaii.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to governmental and private agencies to advance the collaborative efforts with the representative of said committee.

Introduced By: _____

Approved By: _____



COUNTY COUNCIL

County of Kauai
4396 Rice Street
Lihue, Hawaii 96766 — Tel. 245-4771

RAYMOND DUVAUCHELLE, Chairman
PAULA M. MORIKAMI, Vice Chairman
BILL KAPO ASING
JESSE FUKUSHIMA
JEREMY HARRIS
RONALD KOUCHI
EDWARD SARITA

June 8, 1984



Mr. Morris Shinsato
Chairman
1984 Charter Review Commission
c/o County Attorney's Office
County of Kauai
4396 Rice St.
Lihue, HI 96766

Dear Mr. Shinsato:

RE: Council-Initiated Charter Amendments

Resolution No. 160(1984) established a 1984 Council Charter Subcommittee to review Council-initiated Charter amendments. The Subcommittee recommended six items for consideration and the Subcommittee Report dated 5/23/84 and the Minutes of the two Subcommittee meetings are attached hereto for reference as Exhibits 1, 2, and 3.

On May 31, 1984, the Intergovernmental Relations (IGR) Committee reviewed the Subcommittee's Report and made recommendations to the full Council. The IGR Committee Report (CR-IGR-11-84) dated June 7, 1984, and which contains the IGR Committee's recommendations is attached hereto for reference as Exhibit 4.

On June 7, 1984, the Council approved of the following proposed charter amendments and hereby submits such amendments for your consideration:

1. Increase Mayor's term to four years with two consecutive term limit.

The Council finds that two year terms are too short for either the mayor or councilmembers to initiate and complete long term programs and projects to benefit the public. Becoming familiar with county government operations requires

substantial time, and a newly elected official spends a large portion of the two years in becoming familiar with the system.

The Council finds that four year terms are more conducive to securing, training, and retaining competent, professional appointees such as department heads and their deputies, who make major policy decisions that affect the public.

The Council also finds that two year terms are costly to the public, who ultimately bear the cost of elections. Further, elections every two years take up much of an elected official's time from work. Therefore, the Council recommends four year terms for all elected officials.

To prevent stagnation, to prevent the building of a bureaucracy unresponsive to the needs of the public, and to give a specific time frame in which to accomplish programs, the Council recommends limiting the mayor's term to two consecutive full four year terms, like Maui and the Big Island, and identical to the charter proposal submitted to the electorate on Kauai in 1982 (see Resolution No. 157(1982)).

2. Increase councilmember's term to four years with two term limit, provided:
 - a. Vacancy provision (Sec. 3.05) be amended to provide that a vacancy occurring prior to close of nominations for mid-term election shall be filled by mid-term election.
(See Sec. 7.06; Resolution No. 165(1982)).

The Council finds that the rationale for four year terms with two term limit is the same for all elected officials.

In addition, the Council has included a vacancy provision to coincide with the provisions in Sec. 7.06 for filling the vacancy of the mayor in the event of a four year term.

The Council further recommends that proposals 1 & 2 be considered independently by the voters in order to give them greater freedom of choice.

Finally, the Council recommends that in the event proposals 1 & 2 are jointly approved by the electorate, that the four year terms for both offices begin at the same time and be coterminous.

3. Conflict of Interest

The Council recommends that Resolution No. 133(1984) "Resolution Initiating Charter Amendment Relating to Conflict of Interest" and all other conflict of interest proposals, including the 1969 version, the 1976 amendment and the 1982 Board of Ethics proposal, be referred to the Charter Commission with the understanding that it is the Council's intent that after your review, a conflict of interest proposal be submitted to the electorate.

4. Tax Rate Ceiling by Initiative

Amend Sec. 22.02 "Limitations to Powers" by adding a last sentence as follows: "Except that a real property tax rate ceiling may be established by initiative at any general election for a period not to exceed two fiscal years."

The Council finds that this provision would allow the public more say in their governmental affairs. Because of the difficult process in getting an initiative petition on the ballot, this amendment is looked at as a safety valve to be used only when the majority of people feel they have reached a breaking point.

The Council also finds that if a Tax Rate Ceiling is imposed by the voters, it would be easier for County officials to justify an increase in State grants-in-aid.

5. The Council recommends that the Charter Commission be requested to review Article IX "Public Defender" in light of the State pre-emption.

6. Recall

Add a recall provision as follows in the event that four year terms are approved:

"Article _____
RECALL

Section 1.01. Recall Procedure. Any elective officer serving four year terms as provided for in this charter may be removed from office by the voters of the county. The procedure to effect such removal shall be in accordance with this article.

A petition demanding that the question of removing such official be submitted to the voters shall be filed with the county clerk. Such petitions shall be signed by not less than twenty percent (20%) of the voters registered in the last general election.

Section 1.02. Petitions. Petition papers shall be procured only from the county clerk, who shall keep a sufficient number of such blank petition papers on file for distribution as herein provided. Prior to the issuance of such petition papers, an affidavit shall be made by one or more voters and filed with the clerk, stating the name and office of the officer sought to be removed.

Section 1.03. Signatures. Each signer of a recall petition shall print and sign his name and shall place thereon after his name, his place of residence and voting precinct. To each such petition paper there shall be attached an affidavit of the circulator thereof, stating the number of signers to such part of the petition and that each signature appended to the paper was made in his presence and is believed to be the genuine signature of the person whose name it purports to be; and that each signer understood the nature of the recall petition.

Section 1.04. Filing and Certification. All papers comprising a recall petition shall be assembled and filed with the county clerk as one instrument within thirty (30) days after the filing, with the clerk, of the affidavit stating the name and office of the officer sought to be removed.

Within ten (10) days from the date of the filing of such petition, the clerk shall determine the sufficiency thereof and attach thereto a certificate showing the result of his examination. If the clerk shall certify that the petition is insufficient, he shall set forth in the certificate the particulars in which the petition is defective, and shall return a copy of the certificate to the person designated in such petition to receive it.

Section 1.05. Supplemental Petitions. In the event the initial petition contained insufficient signatures, such recall petition may be supported by supplemental signatures of voters signed in the manner required in section 1.03 of this article appended to petitions issued, signed, and filed as required for the original petition at any time within twenty (20) days after the date of the certificate of insufficiency by the clerk. The clerk shall within ten (10) days after such supplemental petitions are filed make a like examination of them, and if his certificate shall show the same to be still insufficient, he shall return it in the manner described in section 1.04 of this article to the person designated in such petition to receive the same, and no new petition for the recall of the officer sought to be removed shall be filed within one year thereafter.

Section 1.06. Recall Election. If a recall petition or supplemental petition shall be certified by the clerk to be sufficient, he shall at once notify the officer sought to be recalled of such action. If the official whose removal is sought does not resign within five (5) days after such notice, the clerk shall thereupon order and fix a day for holding a recall election. Any such election shall be held not less than sixty (60) nor more than ninety (90) days after the petition has been presented to the official, at the same time as any other special county or state election held within such period; but if no such election is to be held within such period, the clerk shall call a special recall election to be held within the time aforesaid. If less than fifty percent (50%) of the voters registered in the last general election shall vote at such recall

election, the officer sought to be recalled shall not be deemed recalled regardless of the outcome of the election.

Section 1.07. Ballots. The ballots at such recall election shall, with respect to each person whose removal is sought, submit the question: "Shall (name of person) be removed from the office of (name of office) by recall?" Immediately following each such question, there shall be printed on the ballots the two propositions in the order set forth: "For the recall of (name of person)." "Against the recall of (name of person)." Immediately to the left of the proposition shall be placed a square in which the voters, by marking an X mark, may vote for either of such propositions. A majority vote shall be sufficient to recall such officer, subject to the provisions of section 1.06 of this article.

Section 1.08. Succeeding Officer. The incumbent, if not recalled in such election, shall continue in office for the remainder of his unexpired term subject to the recall as before, except as provided in this charter. If recalled in the recall election, he shall be deemed removed from office upon the announcement of the official canvass of that election, and the office shall be filled as provided by this charter for the filling of vacancies of elected officials. The successor of any person so removed shall hold office during the unexpired term of his predecessor.

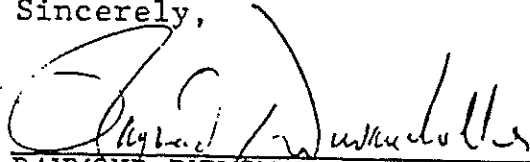
Section 1.09. Immunity to Recall. The question of the removal of any officer shall not be submitted to the voters until such person has served six (6) months of the term during which he is sought to be recalled, nor, in case of an officer retained in a recall election, until one year after that election."

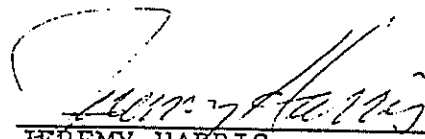
One of the long-standing objections to four year terms has been the loss in accountability by elected officials. By adding this recall provision, which is similar to Maui's, the electorate will always have recourse in the event that an elected official is not performing adequately.

Mr. Morris Shinsato
June 8, 1984
Page 7/

The Council would once again like to thank the Charter Commission members for their hard work thus far. Please do not hesitate to contact us if we can be of assistance in your deliberations.

Sincerely,


RAYMOND DUVAUCHELLE
Council Chairman

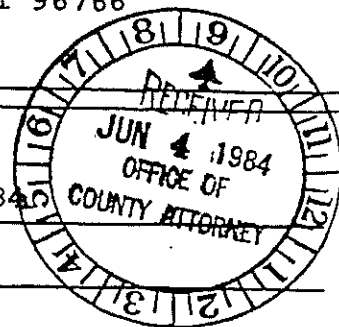

JEREMY HARRIS
1984 Council Charter Subcommittee
Chairman

/jh

Attachments (4)

MEMO-LETTER

Office of the
PROSECUTING ATTORNEY
COUNTY OF KAUAI
Lihue, Hawaii 96766



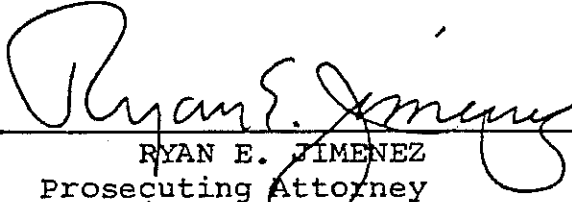
TO: Mr. Morris Shinsato, Chairman
Charter Review Commission

DATE: June 1, 1984

SUBJECT: _____

FROM: Ryan E. Jimenez
Prosecuting Attorney

Per your request, attached are the salary schedules
for prosecuting attorneys and deputies for Maui, Hawaii
and Kauai counties.



RYAN E. JIMENEZ
Prosecuting Attorney

sd

TONY T. KUNIMURA
MAYOR



JOSHUA HEW
ADMINISTRATIVE ASST.

OFFICE OF THE MAYOR
4396 RICE STREET
LIHUE, KAUAI, HAWAII 96766

May 29, 1984

Honorable Morris S. Shinsato, Chairman and
Members of the Charter Review Commission
County of Kauai
4396 Rice Street
Lihue, Hawaii 96766

Dear Chairman Shinsato and Commission Members:

Re: Charter Review

Thank you for extending to me the opportunity to comment on the Kauai County Charter and to present my views on proposed revisions and amendments to the Charter. Please permit me to offer the following recommendations and thoughts on proposed amendments that I would like to see considered in the Charter review process.

(1) There should be provisions inserted into the Charter which limit or preferably eliminate abuses that might otherwise occur with a "lame duck" administration or council. In the first instance, there should be restrictions on the types of legislation that can be adopted during this period i.e. prohibition on salary increases or new hires. In the alternative, it is suggested that the terms of office for newly elected officials be changed to the second working day in December.

(2) There should be a process whereby department heads and deputies who are excluded from the collective bargaining are equitably compensated with fair salaries that are not subject to the political vagaries that currently exist.

(3) Section 22.13 of the Charter relating to Impeachment of Officers should be revised by raising the number of signatures that are required for a verified petition for impeachment. Under the present provisions impeachment may be subject to vexations and frivolous petitions that can

May 29, 1984

unfairly prejudice the reputation of any County official and subject that official to the costly defense of such proceedings.

(4) The County should explore the feasibility of establishing boards and commissions to oversee the administration of such County operations as the municipal golf course and sewage facilities. By so doing it is hoped that efficiency can be restored and appropriate fees can be established for the public services being offered.

(5) A provision should be inserted into the Charter that expressly provides for just compensation when the property of our citizens is taken for public purposes. In addition, there should exist an explicit recognition of vested rights and the concomitant responsibility of the government to preserve and protect those rights under appropriate circumstances.

(6) In the area of land use, planning and zoning, the Commission should consider the following:

A) In order to preserve our sensitive environment in particular to preserve certain areas of the County deserving of special land use controls, it is recommended that "Preservation Districts" be established. In "preservation districts" it is suggested that land use and development be strictly regulated and to that end it is recommended that amendments may only be made by initiative and referendum.

B) The preservation of building height has always been very important to the people of Kauai coupled with the preservation of low density development. To limit the authority of the Planning Commission and the Council to permit variances or to deviate from height and density requirements it is recommended that amendments to height and density requirements can only be brought about by initiative and referendum.

(7) In the area of budget and finance, the Commission should consider the following:

A). The Council should be prohibited from encroaching upon the administrative prerogative by inserting a provision in the Charter that diminishes

May 29, 1984

the authority of the Council to designate where appropriated moneys can be expended.

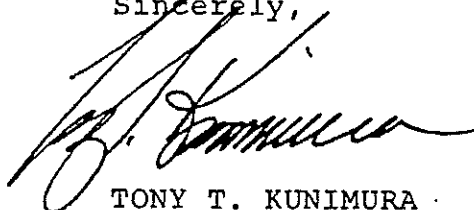
B) There should be more controls over the unappropriated surplus and moneys from the unappropriated surplus should only be expended when requested by the Administration. Thereafter the Council can agree or disagree whether the sums should be appropriated. Finally, there should be a limit of the unappropriated surplus to avoid a large unappropriated account from which to fund "miscellaneous" projects.

C) The Director of Finance should be prohibited from allowing any indebtedness to the County by concessionaires beyond a certain period of time to avoid a situation where concessionaires are unable to meet financial obligations and subsequently default on their contracts with the County. This limitation should not, however, apply to essential services.

It is my hope the foregoing recommendations will be of some assistance to you in your deliberations. Again, thank you for the opportunity to participate in this most important task.

If you have any questions concerning the contents of this correspondence or if you are in need of further elaboration, please feel free to contact me at any time.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Tony T. Kunimura', written in a cursive style.

TONY T. KUNIMURA
Mayor, County of Kauai

May 25, 1984

Mr. Charles J. Haffner
Chairman
Republican Party of Kauai
P.O. Box 535
Kekaha, Hawaii 96752

Dear Mr. Haffner:

Our charter is fifteen years old. There have been some amendments to the charter during the span. The Charter Review Commission is currently evaluating the charter with a view of making it a better document. To do this we need your comments on how it may be improved.

If you ever felt there ought to be a law, or questioned the action of our county administration or council, we would like to hear from you. It may be that a charter provision needs amendment.

We invite your comments in writing or orally. You may appear at any of our Monday afternoon meetings at 3:00 p.m. in the old Mayor's office. You need not cite any specific section of the charter and certainly need not draft any proposed provision unless you so wish.

Thank you.

Very truly yours,

Mrs. Arlene Octavio
Secretary to the Charter
Review Commission

Letters sent on
attached list.

CHARTER REVIEW COMMISSION
LETTERS TO ORGANIZATIONS

- Mr. Charles J. Haffner
Chairman
- * Republican Party of Kauai
P.O. Box 535
Kekaha, Hawaii 96752
- Mr. Donald S. Quon
President
- * Democratic Party of Kauai
P.O. Box 267
Kalaheo, Hawaii 96741
- Ms. Beverly Manor
- * Hawaii State Teachers' Association
Kauai Chapter
P.O. Box 1971
Lihue, Hawaii 96766
- Mr. Ray Emura
Acting Kauai Division Chief
- * Hawaii Government Employees' Association
P.O. Box 1855
Lihue, Hawaii 96766
- Mr. Joseph R. Brun
Kauai Division Director
- * United Public Workers
P.O. Box 1201
Lihue, Hawaii 96766
- Mr. Michael Takaezu
President
- * Hawaii Federation of Teachers
c/o Wilcox Elementary School
4319 Hardy Street
Lihue, Hawaii 96766

Article VII Mayor

Proposed Amendments to the Charter from
County Clerk Clerk. Circulated to Commissioner
at May 21, 1984 meeting.

Section 7.02

.....qualified [resident] elector of the county
for at least 3 years.....

Section 7.06 A. (2)

....The special primary election shall be called by the
Council and held within [forty-five (45)] 60 days after the occurrence
of the vacancy, of which the first fifteen days be allotted for
filing of nomination papers and the remaining 45 days to administer
the election. The special general election shall be held [thirty]
forty-five days after the special primary election.

OPTION--no special primary election---follow Maui's
charter provision for time and cost savings.

Page 54

Section 1.05 Initiative and Referendum Petition A (4)

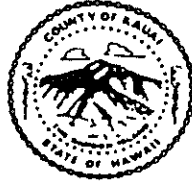
Each signature on the petition shall be followed by the
name (printed), the place, residence, and social security number
of the person signing.

Consider--

Initiative and Referendum

Specify who should prepare ballot question. Should
question be for a "yes" or "no" type answer.

TONY T. KUNIMURA
MAYOR

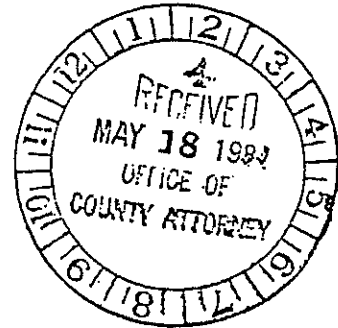


AVERY H. YOUN
PLANNING DIRECTOR

TOM H. SHIGEMOTO
DEPUTY PLANNING DIRECTOR

TELEPHONE (808) 246-3919

COUNTY OF KAUAI
PLANNING DEPARTMENT
4280 RICE STREET
LIHUE, KAUAI, HAWAII 96766



May 18, 1984

Mr. Morris S. Shinsato, Chairman
and Members
Charter Review Commission
County of Kauai
Lihue, Kauai, Hawaii 96766

Subject: Proposed Charter Amendments

Thank you for providing us with the opportunity to offer Charter amendment proposals aimed at improving the operations and functions of the Planning Department and Commission.

After a review of the current provisions, the Planning Commission at its meeting on May 9, 1984, voted to recommend approval of the following amendments:

ARTICLE XIV PLANNING DEPARTMENT

1. Delete Section 14.03 F as follows:

Section 14.03. Duties and Functions of the Planning Commission.
The Planning Commission shall:

[F. Prepare a Capital Improvement Program with the advice of the mayor, complementing and reflecting the State and Federal programs for the County.]

Justification: This is an administrative function. The Commission's function here should be advisory in nature and is covered under paragraph A of Section 14.03.

Mr. Morris S. Shinsato, Chairman
and Members
Charter Review Commission
Page 2
May 18, 1984

2. Amend Section 14.05 D as follows:

Section 14.05. Powers, Duties, and Functions of Director. The Planning Director shall:

- D. Consolidate the list of proposed capital improvements contemplated by the several departments [in] and review the order of their priority for the County for consistency with the directions and objectives of the County General Plan and Development Plans.

Justification: This revision is recommended to refine the role of the Planning Department in the formulation of the County's Capital Improvement Program by including General Plan and Development Plan considerations.

3. Amend Section 14.09 B as follows:

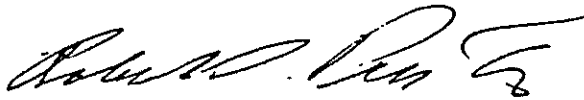
Section 14.09. Subdivision or Consolidation of Land.

- B. Approval of subdivisions. After the enactment of the ordinance governing subdivisions or consolidations of land, no land may be subdivided unless the proposed subdivision plans are in conformity with the subdivision ordinance and regulations and have been approved by the Planning [Commission] Director; provided however that decisions of the Planning Director may be appealed to the Planning Commission.

Justification: The review and approval of subdivisions are technical nature that involves engineering review and checking for compliance to the subdivision ordinance, zoning ordinance, State Land Use Rules & Regulations, etc. Furthermore, this already time-consuming process can be streamlined by not having to be coordinated with the monthly Commission meeting schedule. The Commission's function in subdivisions should be advisory in nature and in the area of policies, rules and regulations, and also to hear appeals to the Planning Director's decisions. Subdivision responsibilities in Oahu, Maui and Hawaii are similarly processed as suggested in this proposal.

Mr. Morris S. Shinsato, Chairman
and Members
Charter Review Commission
Page 3
May 18, 1984

The Planning Department is also in concurrence with these recommendations.
Please feel free to call Planning Director Avery Youn should you wish to
further discuss this matter.

A handwritten signature in cursive script, appearing to read "Robert Preston".

ROBERT PRESTON
Chairman, Planning Commission

cc: Mayor Tony T. Kunitura

May 17, 1984

TO: Morris Shinsato, Chairman
Kauai County Charter Revision Committee

FROM: Springwater Kaulili, Charter Review Member

SUBJ: Inclusion of Kauai Office of Elderly Affairs in Charter
(Office Originally Established by State Statute 64 and
County Council Resolution 38-1964)

OFFICE OF ELDERLY AFFAIRS

(From: 1976 Kauai Revised Code of Ordinances Sec. 2-1-6)

Section _____. Organization. There shall be an administrative agency titled "Office of Elderly Affairs" under the Mayor's Office to perform the administrative duties in performing all programs relating to the elderly. The office shall be headed by a director appointed by the Mayor with the advice and consent of the Policy Council. (Establishment of Policy Council: Act 217, Sec. 349-9, Hawaii Revised Statutes) The director may establish staff positions as may be funded by the County Council and as may be within the funds available for staffing from Federal, State or County funds. To the extent that funding is non-County, positions based on that funding may be made without County Council action.

Section _____. Policy Council Organization/Authority.

A. Act 217, Sec. 349-9, Hawaii Revised Statutes, requires the establishment of the Council to assist the director in policy decisions.

B. Title 45, Chapter XIII, sub-chapter (C), Administration of Aging, Older Americans Program. Sec. 1321.666 (13) regulations require the establishment of an Advisory Council to advise the Area Agency (OEA) on all matters relating to the development and administration of the Area Plan and operations.

C. The members and terms shall be appointed by the Mayor with the consent of the County Council.

D. There shall be 15 members on the Council, a majority of whom shall be 60 years of age or older. At least five members shall be members of State or County agencies which provide services or programs that affect elderly.

E. The Mayor shall fill any vacancies on the Council with the consent of the County Council.

Section _____. Policy Council Responsibilities.

A. To review and recommend action on all matters relating to aging, including the review of the State and Area Plans on Aging prior to and after public hearings, and on implementation and administration of the plans.

B. To advise on issues warranting priority consideration by the Mayor or County Council.

C. To develop strategy designed to insure consideration of legislation which it believes should be enacted.

D. To offer new proposals for programs and policies.

E. To help develop strategies designed to inform older persons of services and entitlements available to them within the State.

F. To interpret community needs, recommend priority services, as well as service and program changes.

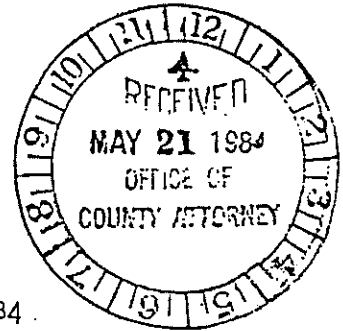
G. To raise the consciousness of all segments of the State to the needs of older persons and exercise their influence to bring about greater attention from the private and public sectors.

H. To review and recommend action on the awards and contracts made to sub-grantees.

KAUAI SENIOR CENTERS, INC.

4491 KOU STREET

KAPAA, HAWAII 96746



Arlene Octavio, Secretary
Charter Review Commission
County of Kauai
Office of the County Attorney
4396 Rice Street
Lihue, HI 96766

May 16, 1984

Members of the Charter Review Commission

The Kauai Senior Centers, Inc. Senior Legislative Council, representing over 2,000 older persons in 9 Senior Centers, has authorized me to express its concern to the Charter Review Commission about the huge recent property tax increases on senior citizens with fixed incomes. Most of Kauai's older citizens have little interest in selling their homes regardless of speculation by nearby developers.

Please work out a legal limit on property taxes before Kauai's elderly are taxed off their lands.

Sincerely,

A handwritten signature in cursive script that reads "Elsa Holtwick".

Elsa Holtwick
Executive Director

TONY T. KUNIMURA
MAYOR



CECILIA N. RAMONES
DIRECTOR OF FINANCE

ELMER J. MURAOKA
DEPUTY DIRECTOR OF FINANCE

COUNTY OF KAUAI
DEPARTMENT OF FINANCE
4396 RICE STREET
LIHUE, KAUAI, HAWAII 96766

May 14, 1984

*Rec'd May 14/84
at Maunaloa
HO.*

Mr. Morris Shinsato
Chairman
Charter Review Commission
4396 Rice Street
Lihue, Hawaii 96766

Dear Mr. Shinsato and Members of the Charter Review
Commission:

We are in receipt of your letter dated April 18, 1984 and would like to
recommend the following changes with the Charter:

Financial Procedures Section 19.19 Centralized Purchasing
A & B: The Division of Purchasing Department is the centralized
purchasing agency.

C (2) The aggregate amount involved does not exceed \$8,000.
however, any purchases or contracts involving sums between
\$2,500 and \$8,000 shall be based on competitive bids which
shall be in writing.

We would also like to thank all of you for your precious time spent in
serving on the Commission to up-date and improve our Charter.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Cecilia N. Ramones", is written over a horizontal line.

CECILIA N. RAMONES
Director of Finance

CNR:ets

ARTICLE XVII
KAUAI COUNTY CHARTER
DEPARTMENT OF WATER

Section 17.01. ORGANIZATION. There shall be a department of water supply consisting of a board of water supply, a manager and chief engineer and the necessary staff.

Section 17.02. DEFINITIONS. The terms "department" and "board" as used in this article of the charter shall have the following meaning:

A. "Department" shall mean the governmental unit known as the "board of water supply", unless the context indicates otherwise.

B. "Board" shall mean the policy-making body, consisting of seven members, of the board of water supply.

Section 17.03. BOARD OF WATER SUPPLY ORGANIZATION. The board of water supply shall consist of seven members, five of whom shall be appointed by the mayor with the approval of the council, one of whom shall be the Planning Director and one of whom shall be the county engineer. The manager of the Department of Water, the Planning Director and the County engineer, shall serve as ex-officio members of the board without power to vote.

A. The board shall hold at least one regular meeting each month. It shall adopt rules and regulations necessary for the conduct of its business.

Section 17.04. POWERS AND DUTIES OF THE DEPARTMENT. The department shall manage, control and operate the waterworks of the county and all property thereof for the purpose of supplying water to the public, and shall collect, receive, expend and account for all sums of money derived from the operation thereof and all other monies and property provided for use or benefit of such waterworks.

A. The Department shall maintain account to show its financial status and the results of management and operation.

Section 17.05. POWERS AND DUTIES OF THE BOARD.

A. The board of water supply shall:

1. Appoint and remove the manager and chief engineer of the department. He shall be a registered engineer who shall have had a minimum of five years of training and experience in waterworks

activities or related fields, at least three years of which shall have been in a responsible administrative capacity.

2. Have the authority to create and abolish positions.

3. Determine the policy for construction, additions, extensions and improvements to the water systems of the county.

B. The board may provide for a reserve fund, issue revenue bonds, provide for payment of bonds, expend bond funds and other funds, establish rates and charges, acquire property, sue and be sued and engage in and undertake all other activities as provided for in Chapter 145-A, Revised Laws of Hawaii 1955, and as may be hereafter provided for by law.

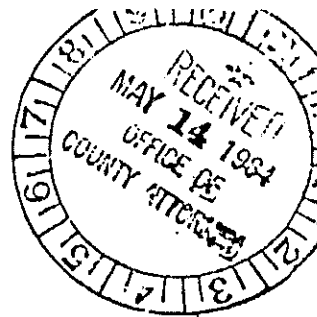
C. The board may make and, from time to time, alter, amend and repeal rules and regulations relating to the management, control, operation, preservation and protection of the waterworks. Such rules and regulations shall have the force and effect of law. Penalties for the violation of any rule or regulation shall be set forth in the rules and regulations.

Raymond Sato
Water Department

May 14, 1984

CHARTER AMENDMENTS FOR CONSIDERATION

ARTICLE XIV PLANNING DEPARTMENT



1. Delete Section 14.03 F as follows:

Section 14.03. Duties and Functions of the Planning Commission.
The Planning Commission shall:

[F. Prepare a Capital Improvement Program with the advice of the mayor, complementing and reflecting the State and Federal programs for the County.]

Justification: This is an administrative function. The Commissioners' function here should be advisory in nature and is covered under paragraph A of Section 14.03.

2. Amend Section 14.05 D as follows:

Section 14.05. Powers, Duties, and Functions of Director. The Planning Director shall:

D. Consolidate the list of proposed capital improvements contemplated by the several departments [in] and review the order of their priority for the County for consistency with the directions and objectives of the County General Plan and Development Plans.

Justification: This revision is recommended to refine the role of the Planning Department in the formulation of the County's Capital Improvement Program by including General Plan and Development Plan considerations.

3. Amend Section 14.09 B as follows:

Section 14.09. Subdivision or Consolidation of Land.

B. Approval of subdivisions. After the enactment of the ordinance governing subdivisions or consolidations of land, no land may be subdivided unless the proposed subdivision plans are in conformity with the subdivision ordinance and regulations and have been approved by the Planning [Commission] Director; provided however that decisions of the Planning Director may be appealed to the Planning Commission.

Justification: The review and approval of subdivisions are technical nature that involves engineering review and checking for compliance to the subdivision ordinance, zoning ordinance, State Land Use Rules & Regulations, etc. Furthermore, this already time-consuming process can be streamlined by not having to be coordinated with the monthly Commission meeting schedule. The Commission's function in subdivisions should be advisory in nature and in the area of policies, rules and regulations, and also to hear appeals to the Planning Director's decisions. Subdivision responsibilities in Oahu, Maui and Hawaii are similarly processed as suggested in this proposal.

TONY T. KUNIMURA
MAYOR

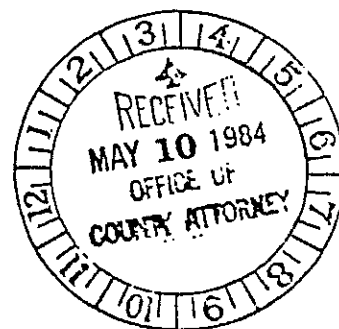


LAWRENCE KITAMURA
COUNTY ENGINEER
TELEPHONE 245-3318

CLAY KAGAWA
DEP. COUNTY ENGINEER
TELEPHONE 245-3602

COUNTY OF KAUAI
DEPARTMENT OF PUBLIC WORKS
4396 RICE STREET
LIHUE, KAUAI, HAWAII 96766

May 9, 1984



Mr. Morris S. Shinsato, Chairman
Charter Review Commission
Office of the County Attorney
County of Kauai
4396 Rice Street
Lihue, Hawaii 96766

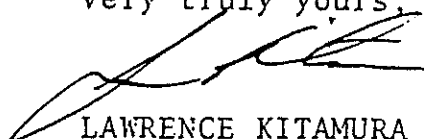
Dear Mr. Shinsato:

We would like to comment on Section 19.19 c (2) CENTRALIZED PURCHASING. I'm sure other departments and divisions have also expressed their feelings on this section.

We feel that the purchasing requirement without advertising should be increased from \$4,000 to \$8,000 and the informal bid minimum be increased from \$500 to \$2,500.

With the present cost of material, there is a tremendous amount of paper work as a result of the present requirements. If greater efficiency in government is our goal, these requirements must be amended.

Very truly yours,



LAWRENCE KITAMURA
County Engineer

TH:eo

May 8, 1984

Mr. E. Gary Fifield
Director
Rehabilitation Unlimited
4531 Kuamoo Road
Kapaa, Hawaii 96746

Dear Mr. Fifield:

Our charter is fifteen years old. There have been some amendments to the charter during the span. The Charter Review Commission is currently evaluating the charter with a view of making it a better document. To do this we need your comments on how it may be improved.

If you ever felt there ought to be a law, or questioned the action of our county administration or council, we would like to hear from you. It may be that a charter provision needs amendment.

We invite your comments in writing or orally. You may appear at any of our Monday afternoon meetings at 3:00 p.m. in the old Mayor's office. You need not cite any specific section of the charter and certainly need not draft any proposed provision unless you so wish.

Thank you.

Very truly yours,

Mrs. Arlene Octavio
Secretary to the Charter
Review Commission

CHARTER REVIEW COMMISSION
LETTERS TO ORGANIZATIONS
PAGE 2.

Ms. Lani Soules
* Save Nukolii Committee
P.O. Box 3613
Lihue, Hawaii 96766

Ms. Suzanne Kashiwaeda
* Thousand Friends
P.O. Box 1000
Koloa, Hawaii 96756

Mrs. Ruth Gruenberg
President
* League of Republican Women
No. A-305
3-3400 Kuhio Highway
Lihue, Hawaii 96766

Ms. Teresa Lathrop
Y.W.C.A.
* Kauai Women's Center
P.O. Box 308
Lihue, Hawaii 96766

Mr. E. Gary Fifield
Director
* Rehabilitation Unlimited Kauai
4531 Kuamoo Road
Kapaa, Hawaii 96746

Mr. Ezra Kanoho
* Kauaians for Nukolii
P.O. Box 591
Lihue, Hawaii 96766

Ms. Charlotte McFadden
* League of Women Voters
P.O. Box 308
Kapaa, Hawaii 96746

May 4, 1984

Mrs. Naomi Sugihara
Director
Retired Senior Volunteer Program
4396 Rice Street
Lihue, Hawaii 96766

Dear Mrs. Sugihara:

Our charter is fifteen years old. There have been some amendments to the charter during the span. The Charter Review Commission is currently evaluating the charter with a view of making it a better document. To do this we need your comments on how it may be improved.

If you ever felt there ought to be a law, or questioned the action of our county administration or council, we would like to hear from you. It may be that a charter provision needs amendment.

We invite your comments in writing or orally. You may appear at any of our Monday afternoon meetings at 3:00 p.m. in the old Mayor's office. You need not cite any specific section of the charter and certainly need not draft any proposed provision unless you so wish.

Thank you.

Very truly yours,

Mrs. Arlene Octavio
Secretary to the Charter
Review Commission

Letter sent on att'd list.

CHARTER REVIEW COMMISSION
LETTERS TO ORGANIZATIONS

Mrs. Naomi Sugihara Director * Retired Senior Volunteer Program 4396 Rice Street Lihue, Hawaii 96766	Ms. Margaret McPhee Wellness Coordinator * Dept. of Health, Wellness Program State of Hawaii P.O. Box 671, Lihue, Hawaii 96766
Mrs. Elsa Holtwick Executive Director * Kauai Senior Centers, Inc. 4491 Kou Street Kapaa, Hawaii 96746	Mr. Roy Nishida Executive Director * Kauai Economic Opportunity, Inc. P.O. Box 1027 Lihue, Hawaii 96766
Ms. Eleanor J. Lloyd Executive on Aging * Office of Elderly Affairs County of Kauai 4396 Rice Street Lihue, Hawaii 96766	

Ms. Nancy J. Budd Managing Attorney * Legal Aid Society of Hawaii 4444B Rice Street Lihue, Hawaii 96766	Mr. Nicholas Bahouth President * Hawaii Hotel Association P.O. Box 830 Kapaa, Hawaii 96746
Mr. David Hughson President * Chamber of Commerce P.O. Box 1969 Lihue, Hawaii 96766	Mrs. Maile Semitekoi District Director * Hawaii Visitors Bureau P.O. Box 507 Lihue, Hawaii 96766

Mr. Sonny Waialeale President * Kauai Golf Association 169 Lihau Street Kapaa, Hawaii 96746	Dr. Albert S. Mori Chairman * Wailua Golf Course Advisory Committee P.O. Box 496 Kapaa, Hawaii 96746

Mr. Mike Hannon Executive Vice President * Princeville Resort Assn. P.O. Box 3040 Princeville, Hawaii 96722	Ms. Margy Parker Executive Director * Poipu Beach Resort Assn. P.O. Box 730 Koloa, Hawaii 96756

COUNCIL

RAYMOND P. DUVAUCHELLE, Chairman
PAULA ISHII, Vice-Chairman
BILL KAIPPO ASING
JESSE FUKUSHIMA
JEREMY HARRIS
RONALD D. KOUCHI
EDWARD SARITA



JEROME Y. HEW
COUNTY CLERK

C. BUNJI SHIMOMURA
DEPUTY CLERK

OFFICE OF THE COUNTY CLERK

4396 RICE STREET
LIHUE, KAUAI, HI 96766
TELEPHONE (808) 245-4785

May 3, 1984



Honorable Morris Shinsato, Chairman
Charter Review Commission
Lihue, HI 96766

Dear Morris:

This letter is to formally inform you of your deadline of September 1, 1984, for the submittal of the final version of proposed charter amendments to be placed on the General Election ballot. The final version should also include a suggested layout. The final layout may vary, depending on translation to Japanese and Illocano.

I know you have a lot of work ahead of you and if our office can be of any assistance to you, please do not hesitate to call on us.

Very truly yours,

A handwritten signature in cursive script that reads "Jerome Y. K. Hew".

JEROME Y. K. HEW
County Clerk

/hs

May 1, 1984

Honorable Jeremy Harris, Chairman
Intergovernmental Relations Committee
County Council
County of Kauai
4396 Rice Street
Lihue, Hawaii 96766

Dear Chairman Harris:

This is to acknowledge receipt of your correspondence dated April 30, 1984, relative to your request for an extension of time in which to forward the Council's comments to the Charter Review Commission.

On behalf of the Commission, I hereby advise you that your request for an extension to June 8, 1984, was approved by the Commission.

Thank you for your continued interest and contribution to the efforts of the Charter Review Commission.

Very truly yours,

Michael J. Belles
County Attorney

MJB:A

Charter Review
Commission

May 1, 1984

Honorable Raymond P. Duvauchelle
Chairman, and Members of the
Kauai County Council
County of Kauai
4396 Rice Street
Lihue, Hawaii 96766

Dear Chairman Duvauchelle and Councilmembers:

Re: Budget for Charter Review Commission

Due to the immediate need for funds to support the operation of the Charter Review Commission, I hereby request that \$4,000 be transferred from the Collective Bargaining Account to the appropriate account in our office.

The principal expense that our office has had to assume is the cost of a part-time secretary for the Charter Review Commission. In addition, the costs for office materials and notices for public hearings are beginning to mount.

Consequently, before we deplete our existing accounts that are intended to be used for other purposes, I ask that the subject transfer of funds be made at your earliest convenience.

If you have any questions concerning this matter or if you are in need of additional information, please feel free to contact me at any time.

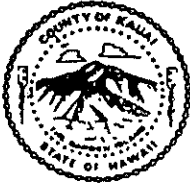
Thank you.

APPROVED:

Very truly yours,

MICHAEL J. BELLES
County Attorney

Mayor, County of Kauai
MJB:my

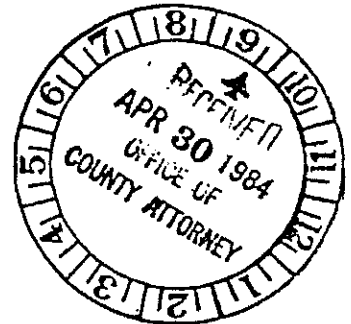


COUNTY COUNCIL

County of Kauai
4396 Rice Street
Lihue, Hawaii 96766 — Tel. 245-4771

RAYMOND DUVAUCHELLE, Chairman
PAULA M. ISHII, Vice Chairman
BILL KAIPPO ASING
JESSE FUKUSHIMA
JEREMY HARRIS
RONALD KOUCHI
EDWARD SARITA

April 30, 1984



Mr. Morris Shinsato, Chairman
Charter Review Commission
c/o County Attorney's Office
County of Kauai
Lihue, HI 96766

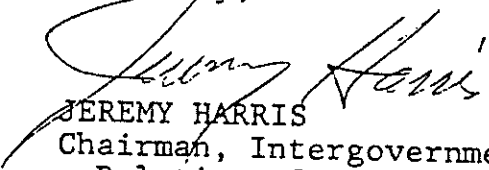
Dear Mr. Shinsato:

In response to your letter requesting the Council's comments on the Charter by May 15, 1984, may we please request a time extension to June 8, 1984.

I have enclosed a copy of Resolution No. 160(84), Establishing a Subcommittee to Review Council-Initiated Charter Amendments. This resolution provides that the subcommittee's final report be approved on June 7, 1984 by the Council and forwarded to you.

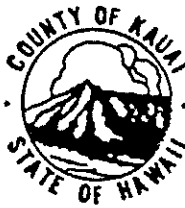
Please inform me as soon as possible if the requested time extension to June 8, 1984 is possible.

Sincerely,


JEREMY HARRIS
Chairman, Intergovernmental
Relations Committee

att.

/bhd

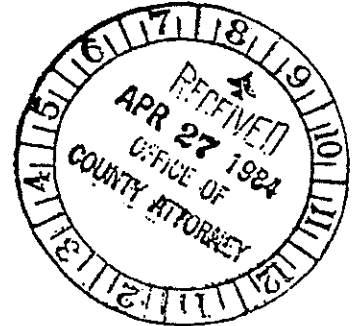


KAUAI CIVIL DEFENSE AGENCY

4396 Rice St. TELEPHONE 245-4001

LIHUE, KAUAI, HAWAII 96766

April 26, 1984



Mr. Morris S. Shinsato, Chairman
Charter Review Commission
Office of the County Attorney
4396 Rice Street
Lihue, Hawaii 96766

Dear Mr. Shinsato:

In reply to your letter of April 18, 1984, we would like to recommend changes in the Kauai County Charter relative to Article XIX as follows:

1. The authority to declare a local state of emergency by the Mayor/Deputy Director of State Civil Defense.
2. Provisions to give legal authority to "seal off" areas of impending danger due to disaster situations or upon occurring or current situations which require the evacuation of people from the area. Also, the legal authority to have roadblocks, etc. to prevent people from entering any "sealed off" areas during "localized situations."
3. The reorganization of the agency to include preparation/response/coordination of emergency situations (fashioned after FEMA). This would probably incorporate all public safety/emergency administrations.

We would also recommend having a provision to set up a special Disaster Contingency Account. This would be a special account designated to be used only upon a local declaration by the Mayor. This account is not to be established in the General Fund account.

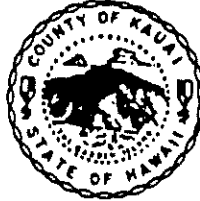
Obviously, we need to verbalize and discuss this. We would appreciate it very much if we are given the opportunity to discuss this with the Commission.

Thank you for your invitation to provide our input and for your consideration. Aloha.

Very truly yours,

CAYETANO GERARDO
Administrator

TONY T. KUNIMURA
MAYOR



HERBERT T. DOI
DIRECTOR OF PERSONNEL SERVICES

ALLAN I. TANIGAWA
Deputy Director of Personnel Services

COUNTY OF KAUAI
DEPARTMENT OF PERSONNEL SERVICES
4280 Rice Street
LIHUE, KAUAI, HAWAII 96766

April 24, 1984

The Honorable Morris S. Shinsato
Chairman
Council Select Committee
on Charter Review
County of Kauai
4396 Rice Street
Lihue, HI 96766

Dear Chairman Shinsato:

When reviewing Article XV of the present County Charter which describes the organization, powers and duties of the Civil Service Commission and Director of Personnel Services, the Charter Review Committee should be apprised and made aware of the following:

1. The historical development of any civil service or merit system has clearly shown that removal of the personnel and civil service system from politics and political influence is vitally essential for its success. All of the civic, governmental and community organizations and interested individuals, locally as well as on the mainland, who have had experience in campaigns to establish civil service systems in counties, municipalities and states where the old spoils system and bitter partisan politics prevailed, are wholly and totally convinced that the merit system can only survive, win and hold public confidence and support when the Civil Service Commission and Director of Personnel Services are free or removed from political appointments and controls.
2. We can also readily conclude from lessons of history that the commission system is the best for our political climate as this system, introduced by the Federal Pendleton Act of 1883, is the system which cleaned out the worst form of corruption in our nation's history. The merit system, as it is today,



MEMBER

PUBLIC PERSONNEL ASSOCIATION

The Honorable Morris S. Shinsato

Page 2

April 24, 1984

owes its existence and progress to this commission system and it has ably withstood the test of time since it is still judged to be the most reliable and best proven system experts know.

3. In the County of Kauai, the commission system created by the Kauai County Charter, which became effective on January 2, 1969, has been highly successful and should, by all means, be retained in its entirety without change. Presently, the commission does not have any technical or administrative responsibilities; rather, its duties and responsibilities are rightly confined to appellate matters, promulgating and adopting rules and regulations, conducting studies and investigations for improving the merit system and advising the Mayor and Director of Personnel Services on problems concerning personnel and classification administration.
4. The Director of Personnel Services must be the administrative head of the Department of Personnel Services. He must possess the required qualifications and be appointed by the Civil Service Commission. These are the same requirements found in our present Charter.
 - a. For your edification, the provisions contained in the Charters of the Counties of Hawaii and Maui are essentially similar to those currently described in Kauai's Charter in that Directors of those jurisdictions are also appointed by their respective Civil Service Commissions. While the City and County of Honolulu's Director of Civil Service is appointed by the Mayor, the Deputy Director and their five division chiefs are merit system employees enjoying civil service tenure. The best rationale which succinctly describes Honolulu's system is that this system assures and guarantees continuity within the department no matter who is elected to public office inasmuch as public personnel administration, as currently practiced by all governmental jurisdictions in the State of Hawaii, is highly sophisticated, complex and technical with programs, policies and standards being critically examined and audited by Federal Fair Employment and Equal Employment Opportunity authorities..

NOTE: Please review Hawaii State Supreme Court Decision No. 6524 dated March 22, 1978 (Pages 2, 3 and 25).

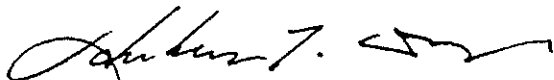
April 24, 1984

5. A qualified director, particularly in a small system and jurisdiction, is the key to the success of the merit system as the director is the working administrator responsible for the proper conduct of all administrative and technical affairs of the department.
 - a. In order to avoid disastrous pitfalls and shortcomings of public personnel administration which includes but is not limited to classification, recruitment, pay administration, training, safety, collective bargaining negotiations and structuring programs funded by federal funds, the professional working director must be knowledgeable and intimately acquainted with significant federal and state statutes as pertinent and numerous changes effect operational requirements.

All of the present provisions contained in our Charter and in the Hawaii Revised Statutes are adequate as they amply provide flexibility to the Commission and Director so that said Commission and Director can operate freely and not only establish but continuously maintain and up-grade a sound system of personnel administration.

In light of the foregoing, it is respectfully recommended that no change be made to existing provisions contained in Article XV of the Kauai County Charter. This recommendation is also unanimously endorsed by the Civil Service Commission of the County of Kauai.

Very truly yours,



HERBERT T. DOI
Director of Personnel Services

vs

att.

cc: Mayor Tony T. Kunimura



COUNTY COUNCIL

County of Kauai
4396 Rice Street
Lihue, Hawaii 96766 — Tel. 245-4771

RAYMOND DUVAUCHELLE, Chairman
PAULA M. MORIKAMI, Vice Chairman
BILL KAPO ASING
JESSE FUKUSHIMA
JEREMY HARRIS
RONALD KOUCHI
EDWARD SARITA

April 23, 1984

Charter Review Commission
Office of the Mayor
4396 Rice St.
Lihue, HI 96766



Mesdames and Gentlemen:

RE: Council Charter Sub-Committee

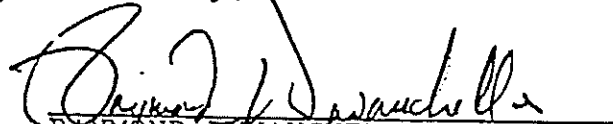
Attached for your information is a Resolution which established a Council Charter Sub-Committee to review any possible Council-initiated Charter Amendments.

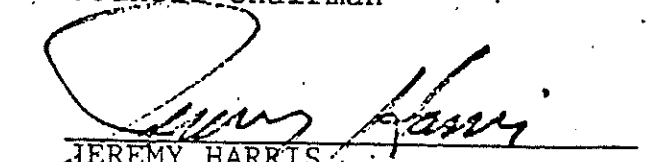
This letter is being sent to inform you that if any recommendations are forthcoming from the Council, such recommendations will be forwarded to your honorable Commission for consideration on or around June 7, 1984.

We would also like to take this opportunity to once again thank you for your willingness to serve on the Charter Commission.

Please let me know if the Council can be of any assistance during your deliberations.

Sincerely,


RAYMOND DUVAUCHELLE
Council Chairman


JEREMY HARRIS
Charter Sub-Committee Chairman

/jh

Attach.

April 18, 1984

Honorable Tony T. Kunimura
Mayor, County of Kauai
4396 Rice Street
Lihue, Hawaii 96766

Mister Mayor:

We have begun the review of our County Charter. Your comments on the Charter will be very helpful in our review, specially as they relate to the Office of the Mayor. However, any comment you may have on any part of the Charter is solicited. For the purpose of maintaining an accurate record, we would appreciate written comments, but should you wish to present your views orally, we cordially invite you to speak to us at any of our Monday meetings at 3:00 p.m. We are under a time constraint so we request your participation before May 15, 1984.

We have also taken the liberty to invite comments from your department heads.

The review will entail clerical help in maintaining a record of the proceedings and to facilitate the flow of business. Please be assured that we will be frugal in our spending.

We thank you for the opportunity to serve our community.

Respectfully,

MORRIS S. SHINSATO, Chairman
Charter Review Commission

MSS:my

April 18, 1984

Honorable Raymond P. Duvauchelle
Chairman, and Members of the
Kauai County Council
4396 Rice Street
Lihue, Hawaii 96766

Dear Chairman Duvauchelle and Members:

Since the County Council is the legislative body responsible for all the County ordinances, ordinances that support the Charter, we deem it vital that our review include your comments on the Charter. We request your input as a body or on individual basis. While written comments are preferred, you may present your ideas orally at any of our Monday meetings scheduled for 3:00 p.m. at the Council Chambers. Since time is of the essence, your comments should be made prior to May 15, 1984.

We will be requesting operating funds through the Mayor's Office. We request your support.

Thank you.

Very truly yours,

MORRIS S. SHINSATO, Chairman
Charter Review Commission

MSS:my

April 18, 1984

Mr. Cayetano "Sonny" Gerardo
Administrator
Civil Defense Agency
County of Kauai
4396 Rice Street
Lihue, Hawaii 96766

Dear Sonny:

We believe that as a department head you best experience the day-to-day practical effects of the charter provisions that apply to your operations. We request any comments you may have concerning the charter provisions that apply to your department. This invitation is extended to all employees in your department. Your comments need not be limited to provisions relating to your department.

We prefer that your comments be made in writing, but we are also happy to listen to your comments. Please feel free to appear at any of our Monday meetings at the Council Chambers, 3:00 p.m. There is an urgency to our task so we request that your comments be made before May 15, 1984.

Thank you.

Very truly yours,

MORRIS S. SHINSATO, Chairman
Charter Review Commission

MSS:my

Letters also sent on
attached list.

CHARTER REVIEW COMMISSION
LETTERS SENT TO COUNTY DEPARTMENTS
& AGENCIES

Mr. Jerome Y.K. Hew *County Clerk County of Kauai	Mr. Herbert T. Doi, Director *Department of Personnel Service County of Kauai
Mr. Avery Youn, Director *Planning Department County of Kauai	Ms. Cecilia N. Ramones *Director of Finance County of Kauai
Ryan E. Jimenez, Esq. *Prosecutor County of Kauai	Chief Albert C. Braun, Jr. *Fire Department County of Kauai
Chief Roy K. Hiram *Kauai Police Department County of Kauai	Mr. Raymond Sato Manager & Chief Engineer *Department of Water County of Kauai
Mr. Tatsumi Hiramoto Building Division *Department of Public Works County of Kauai	Mr. Harold Naumu KWMCH Manager *Department of Public Works County of Kauai
Mr. Lawrence Kitamura *County Engineer Department of Public Works County of Kauai	Eugene K. Jimenez Housing Administrator *Public Housing Agency County of Kauai
Ms. Eleanor J. Lloyd Executive on Aging *Office of Elderly Affairs County of Kauai	Mr. Henry H. Furutani Treasurer's Office *Department of Finance County of Kauai
Mr. Valentine K. Hataishi Director *Liquor Control Department County of Kauai	Mr. James N. Kurita Director *Economic Development County of Kauai
Mr. J.B. Fernandes, Jr. Purchasing & Assistant *Contracts Administrator Department of Finance County of Kauai	Mr. Gordon Shibao Superintendent of *Parks and Recreation Department of Public Works County of Kauai

April 18, 1984

Mr. Peter Wolf
The Kauai Times

Dear Mr. Wolf:

Oft said is, it is not the participants who see most of the game. As members of the media, we believe you have had ringside seats in observing the doings and undoings of numerous administrations and councils under our Charter. You have watched the activities of county government in sunshine and shadows. You have heard the deliberations of administrator and legislators while keeping your finger on the public pulse. As purveyors of facts and moulders of public opinion, you have a unique background to add to our review of the County Charter.

We earnestly solicit your comments on our County Charter . . . what should be deleted, amended or added. We request your written comments or, if you prefer your oral comments at any of our Monday meetings at 3:00 p.m. in the County Chambers or the Board Room.

Thank you.

Very truly yours,

MORRIS S. SHINSATO, Chairman
Charter Review Commission

MSS:my

Letters also sent on
attached list.

CHARTER REVIEW COMMISSION
LETTERS TO THE MEDIA

Ms. Jean E. Holmes, Editor
The Garden Island

Ms. Nan Slavin
President, KIPO
P.O. Box 1748
Lihue, Hawaii 96766

Mr. Bill Dahle
Radio Station KUAI

Mr. Jan W. Tenbruggencate
The Honolulu Advertiser

Mr. Lester Chang
The Honolulu Star Bulletin

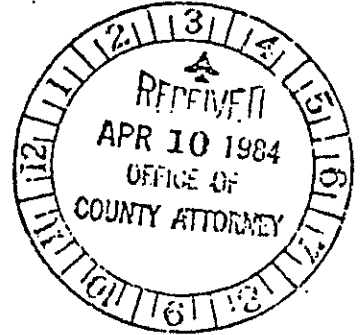


COUNTY COUNCIL

County of Kauai
4396 Rice Street
Lihue, Hawaii 96766 — Tel. 245-4771

RAYMOND DUVAUCHELLE, Chairman
PAULA M. ISHII, Vice Chairman
BILL KAPO ASING
JESSE FUKUSHIMA
JEREMY HARRIS
RONALD KOUCHI
EDWARD SARITA

April 5, 1984



Charter Review Commission

Dear Members:

The County Council, at its meeting of January 10, 1984, referred the attached resolution (Exhibit I), Initiating Charter Amendment Relating to Conflict of Interest, to your Commission.

The primary intent of this resolution is to prohibit Councilmembers to vote on matters in which their private employers have a direct financial interest.

I have also enclosed the following alternatives:

- 1) The Charter language adopted in 1969 (Exhibit II);
- 2) The Charter language, as amended, in 1980 (Exhibit III);
- 3) A recommendation from the Board of Ethics (Exhibit IV),

for your consideration when reviewing the aforementioned resolution. I hope these items are of assistance to you in your deliberation. Thank you for your time and effort.

Sincerely,

PAULA M. MORIKAMI
Councilwoman

Attachments
/suk